

7268. Also, petition of Mrs. Addie Pruden and other citizens of Geneva, Ohio, favoring increases of pension for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7269. By Mr. DRIVER: Petition signed by citizens of Clay County, Ark., urging the Congress to pass legislation granting additional relief to our Civil War veterans, widows, and dependents; to the Committee on Invalid Pensions.

7270. By Mr. DOWELL: Petition of citizens of Des Moines, Polk County, Iowa, urging enactment of legislation increasing pensions of veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

7271. By Mr. EVANS: Petition of citizens of Victor, Mont., urging prompt action on the legislation granting increase in pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7272. By Mr. ROY G. FITZGERALD: Petition of 33 voters of Butler County, Ohio, praying for the passage of a bill to increase the pensions of Civil War veterans, widows, and dependents; to the Committee on Invalid Pensions.

7273. Also, petition of the American Legion of Fabens, Tex., urging immediate vote on House bill 4548, for the retirement of disabled emergency officers of the World War; to the Committee on World War Veterans' Legislation.

7274. By Mr. GALLIVAN: Petition of Lewis-Mears Co., Boston, Mass., recommending early and favorable consideration of the Johnson-Swing bill, providing for the improvement of the Imperial Valley; to the Committee on Irrigation and Reclamation.

7275. By Mr. GREEN of Florida: Petition of H. S. Simmons and other veterans of the War between the States, urging the passage of the National Tribune's pension bill; to the Committee on Invalid Pensions.

7276. By Mr. HERSEY: Petition of Eddie E. Beaulieu and 10 other residents of Caribou, Me., urging passage of National Tribune Civil War pension bill; to the Committee on Invalid Pensions.

7277. By Mr. HUDSPETH: Petition of the Legislature of the State of Texas, urging passage of House bill 4548, for the retirement of disabled emergency officers; to the Committee on World War Veterans' Legislation.

7278. Also, petition of the American Legion, urging passage of House bill 4548, for retirement of disabled emergency officers of the World War; to the Committee on World War Veterans' Legislation.

7279. By Mr. LINTHICUM: Petition of J. Engel & Co., Baltimore, favoring House bill 16545; to the Committee on Interstate and Foreign Commerce.

7280. Also, petition of the Izaak Walton League of Baltimore, favoring the Hawes-Hull bill; to the Committee on the Merchant Marine and Fisheries.

7281. Also, petition of Independent Citizens Union of Maryland, protesting against the Reed bill; to the Committee on Immigration and Naturalization.

7282. Also, petition of McCormick & Co., H. M. Rowe Co., and the Arnold Co., all of Baltimore, Md., protesting against House bill 13446; to the Committee on the Post Office and Post Roads.

7283. By Mr. McLAUGHLIN of Michigan: Petition signed by citizens of Nessen City, Mich., favoring the passage of further legislation providing increases in pensions for veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

7284. By Mr. MAJOR: Petition of citizens of Humansville, Mo., urging passage of Civil War pension bill, providing increases of pensions for veterans and widows of veterans; to the Committee on Invalid Pensions.

7285. By Mr. MANLOVE: Petition of Mrs. J. B. Willard, Mrs. F. C. Kick, Mr. C. L. Braden, and 20 other residents of Vernon County, Mo., urging Congress not to pass the Sunday bill; to the Committee on the District of Columbia.

7286. Also, petition of L. W. Terry, H. Tarr, L. M. Wilson, and 12 other citizens of Vernon County, Mo., urging Congress not to pass the Sunday bill; to the Committee on the District of Columbia.

7287. By Mr. MILLER: Petition of citizens of Seattle, Wash., for legislation increasing pension of Civil War veterans and removal of limitation on date of marriage of Civil War widows; to the Committee on Invalid Pensions.

7288. By Mr. O'CONNELL of New York: Petition of G. A. Pfeiffer, president of the Richard Hudnut Co., favoring the passage of the Swing-Johnson bill; to the Committee on Irrigation and Reclamation.

7289. Also, petition of the Brooklyn Chamber of Commerce, Brooklyn, N. Y., favoring the passage of House bill 16435, amending the act of February 28, 1925, reclassifying the sal-

aries of postmasters; to the Committee on the Post Office and Post Roads.

7290. Also, petition of William H. Kobbe, of New York City, favoring the Fitzgerald bill (H. R. 4548); to the Committee on World War Veterans' Legislation.

7291. Also, petition of A. J. Homeyer, Springfield Gardens, Long Island, N. Y., favoring the passage of House Joint Resolution 325; to the Committee on the Judiciary.

7292. By Mr. REID of Illinois: Petitions of numerous citizens of Elgin and Aurora, Ill., urging Civil War pension legislation; to the Committee on Invalid Pensions.

7293. By Mr. ROWBOTTOM: Petition of Mrs. R. A. Fairchild and others of Evansville, Ind., that the bill increasing pensions of Civil War widows be enacted into law at this session of Congress; to the Committee on Invalid Pensions.

7294. By Mr. SINNOTT: Petition of certain citizens of Baker County, Oreg., asking for further increase of pensions for veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

7295. Also, petition of citizens of Baker County, Oreg., asking for further increase of pensions for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7296. By Mr. SWING: Petition of certain residents of Santa Ana, Calif., urging the passage by Congress of legislation granting increased pensions to Civil War veterans and the widows of Civil War veterans; to the Committee on Invalid Pensions.

7297. Also, petition of certain residents of Redlands, Calif., urging the passage by Congress of legislation granting increased pensions to Civil War veterans and the widows of Civil War veterans; to the Committee on Invalid Pensions.

7298. By Mr. TILLMAN: Petition of J. H. Smith and others, of Springdale, Ark., against Senate bill 4821 and similar bills; to the Committee on the District of Columbia.

7299. Also, petition of D. M. Twiggs and many other citizens of Gentry, in the third congressional district of Arkansas, against House bill 10311 and similar bills; to the Committee on the District of Columbia.

7300. Also, petition of Mary E. Chamberlain and many other citizens of the third congressional district of Arkansas, asking for speedy legislation for pensions and increase of pensions for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7301. Also, petition of J. P. Reed and others, of Decatur, Ark., against Senate bill 4821; to the Committee on the District of Columbia.

7302. By Mr. VINCENT of Michigan: Petition of residents of the eighth congressional district of Michigan, urging immediate legislation for increases in pensions of veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

7303. By Mr. WATSON: Resolutions passed by members of the Eastern District Conference of the Mennonite Church of North America, in opposition to modification of the eighteenth amendment or the Volstead Act; to the Committee on the Judiciary.

7304. By Mr. WINTER: Petition of the voters of Greybull, Wyo., urging the passage of Civil War veterans' pension legislation; to the Committee on Invalid Pensions.

SENATE

WEDNESDAY, February 23, 1927

(Continuation of proceedings of legislative day of Tuesday, February 22, 1927, after a quorum had been obtained at 2 o'clock and 30 minutes a. m. on Wednesday, February 23, 1927)

The Senate had under consideration, as in Committee of the Whole, the bill (S. 3331) to provide for the protection and development of the lower Colorado River Basin.

Mr. ASHURST. Mr. President—
The PRESIDENT pro tempore. The Senator from Arizona.
Mr. JOHNSON. Mr. President, a point of order.
The PRESIDENT pro tempore. The Senator from California will state it.

Mr. JOHNSON. The Senator from Arizona is out of order, in that he has twice spoken upon the question in debate upon the same day.

Mr. ASHURST. Mr. President, I am willing to let the RECORD speak for itself. During the course of my remarks I was interrupted by the Senator from California, the Senator from New York, and the Senator from Wyoming; and I took particular pains to say, when interrupted, that I could not

capitulate or bargain with the Senate or the Chair and that I yielded with the express understanding that I was not to be deprived of the floor by yielding. The Senator, by examining the RECORD, will find that statement.

Mr. JOHNSON. Mr. President, will the Senator yield? It is not upon that ground that I make the point of order. During this evening, while the Senator assumed the floor and was delivering his address upon the matter in debate, twice he yielded to the Senator from Maryland [Mr. BRUCE] for motions made by the Senator from Maryland—motions to adjourn, motions for a recess. On each occasion he yielded to the Senator from Maryland, on each occasion the motions were put, and the motions were passed upon by the Senate.

Mr. ASHURST. Mr. President, I do not wish to cavil with the able Senator from California. I offer the amendment which I send to the desk to the substitute reported by the committee, and ask to have it stated; and I will speak on that amendment.

The PRESIDENT pro tempore. The point of order made by the Senator from California, according to the RECORD, is, in the opinion of the Chair, well taken.

Mr. ASHURST obtained the floor.

Mr. CURTIS. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Kansas?

Mr. ASHURST. I am willing to yield, but I do not want my courtesy to be used as blades against me later.

Mr. CURTIS. It was not for that purpose; it was on the point of order on which the Chair rendered a decision, and I wanted to call the Chair's attention to the rule. I think the Chair probably overlooked a point of the rule. If the Chair held that the Senator was out of order, the matter should have been submitted to the Senate as to whether or not the Senator could proceed, and that should be decided without debate.

The PRESIDENT pro tempore. Under Rule XX?

Mr. CURTIS. Rule XIX provides that—

No Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate, which shall be determined without debate.

The PRESIDENT pro tempore. The Chair did not understand the Senator from Arizona to ask for leave of the Senate to proceed, and the Chair ruled under Rule XIX.

Mr. CURTIS. If the Senator will permit me, the question was raised several times during Vice President Marshall's term of office, and he submitted the question on several occasions without the request having been made.

Mr. ASHURST. I shall not be put into the position of being required to ask the Senate to allow me, as a matter of grace, to speak. I owe that much to the dignity of the Senate. Surely, after having yielded to questions on matters of courtesy, expressly stating at the time that I did not wish to be a party to a frivolous motion, it is ill-graced to try to deprive me of the floor. I hope the able Senator, who has conducted his bill with a high order of ability, will not now mar that record by resorting to such means to deprive me of the floor.

Mr. JOHNSON. Mr. President, will the Senator yield?

Mr. ASHURST. Provided I do not prejudice my rights.

Mr. JOHNSON. Certainly not. It was not upon any yielding, as the Senator suggests, in the slightest degree, that the point of order was made. That ought to be thoroughly understood. The point of order was made because the Senator yielded during this evening, in the matter of the presentation of his views upon this debate, when it was obvious that the motions were made for the purpose of filibustering, so far as that debate was concerned.

Mr. ASHURST. I am sure the Senator will not say that I had any knowledge of such a motion.

Mr. JOHNSON. Whether the Senator did or not, it is the fact, and because it was the fact was the reason that the point of order was made by me, not upon any point of yielding by the Senator under the circumstances that he has detailed, not in the slightest degree.

Mr. ASHURST. Mr. President, I rise to a question of personal privilege.

The PRESIDENT pro tempore. The Senator from Arizona will state it.

Mr. ASHURST. When I was interrupted for a brief period I was attempting to make some description of the Colorado River Basin, which, as I said, comprehends some 250,000 square miles in area.

Mr. LA FOLLETTE. Mr. President, a point of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. LA FOLLETTE. The Senator from Arizona is not discussing a question of personal privilege.

The PRESIDENT pro tempore. Up to the moment the Senator from Arizona has not discussed the question of personal privilege, but the Chair is assuming that presently he will approach it.

Mr. ASHURST. Mr. President, there is no set of men in the Senate or out of the Senate that can run a steam roller over me.

Mr. JOHNSON. Mr. President—

Mr. ASHURST. I can not yield. Are amendments in order? The PRESIDENT pro tempore. Amendments are clearly in order.

Mr. ASHURST. Then I offer the following amendment, and on that I wish to be heard.

The PRESIDENT pro tempore. The amendment will be reported.

Mr. BLEASE. Mr. President—

The PRESIDENT pro tempore. The Senator from Arizona is recognized. The amendment to the amendment will be stated, however.

The CHIEF CLERK. On page 14, line 8, strike out the words "Black Canyon or Boulder Canyon" and insert in lieu thereof the words "a site to be selected by a board of competent engineers, to be appointed by the President."

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Arizona, and the Senator from Arizona is recognized to speak on his amendment.

Mr. ASHURST. I am in no mood for flattery at this hour. I recall that Andy Gump said that "apple sauce" is the one thing in this world of which the demand never equals the supply; but I am in no mind to hand bouquets about. I feel comfortable when the Senator from New Hampshire [Mr. MOSES] occupies the chair. He is a rapid-fire gun, but I believe he protects the rights of every Senator. I am not boasting, but if an occupant of the chair should attempt to deprive me of any right I possess under the rules, I would find ample means to enforce that right.

The PRESIDENT pro tempore. May the Chair interrupt to say that the Senator from Arizona is perfectly at liberty to take the Chair to task whenever he is infringing the rights of a Senator.

Mr. ASHURST. No, Mr. President; I have occupied the chair. I appreciate the difficulties under which the Chair labors, and the Chair always has my sympathy.

Mr. STANFIELD. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Oregon?

Mr. STANFIELD. It is almost 3 o'clock in the morning. I have the highest regard for the Senator from Arizona; I know he is discussing a question that is very near his heart; but I wonder if it would not be better if we took a recess and met to-morrow morning.

Mr. ASHURST. I have been voting to recess.

Mr. STANFIELD. It is most unusual for the Senate to be in session at this hour in the morning.

Mr. ASHURST. Mr. President—

The PRESIDENT pro tempore. The Senator from Arizona has the floor.

Mr. ASHURST. I thank the able Senator from Oregon for that suggestion, and it is sweet music to my ears, but I shall decline to yield to the Senator to make a motion to recess.

Mr. STANFIELD. Mr. President—

The PRESIDENT pro tempore. Does the Senator yield further to the Senator from Oregon?

Mr. ASHURST. I can not yield.

The PRESIDENT pro tempore. The Senator declines to yield.

Mr. ASHURST. I will hear the Senator for a moment.

Mr. STANFIELD. Mr. President, I went to bed at a reasonable hour, and was called out of my bed between 1 and 2 o'clock and came down here to a session, an unheard of thing. I wonder why we could not take a recess and have this debate in the daylight hours of to-morrow, rather than continuing it on to-night?

Mr. ASHURST. It is obvious to me that a majority of this body intend to keep this bill before the Senate until 5.30 o'clock this afternoon, when we must recess for an evening session on the calendar.

Mr. STANFIELD. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Oregon?

Mr. ASHURST. I respectfully beg the Senator to permit me to decline to yield.

Mr. STANFIELD. I suggest the absence of a quorum.

Mr. ASHURST. I do not yield for that purpose.

Mr. NEELY. Regular order!

The PRESIDENT pro tempore. The Senator from Arizona declines to yield for any purpose whatever.

Mr. ASHURST. I would yield to the Senator from California to make a motion to recess. I do not intend to be placed in a position where, by courtesy, I raise up blades and thorns that I must encounter. I shall not take them to my breast.

Mr. STANFIELD. Mr. President—

Mr. ASHURST. The Senator must permit me to decline to yield.

The PRESIDENT pro tempore. Does the Senator from Arizona yield further to the Senator from Oregon?

Mr. ASHURST. I must decline to yield.

PHYSICAL FEATURES OF THE COLORADO RIVER BASIN

Mr. President, the region drained by the Colorado River and its tributaries, known as the Colorado River Basin, is about 900 miles long, from 300 to 500 miles wide, and embraces 251,000 square miles, an area larger than Georgia, New York, North Carolina, Pennsylvania, and Virginia combined.

The Colorado River proper is formed by the junction of the Green and the Grand; the name of the Grand was by act of Congress approved the 25th day of July, 1921, changed to the Colorado. Green River from its source to its junction with the Grand is 700 miles long. The Grand River from its source to its junction with the Green is about 450 miles long.

Green River heads near Fremont Peak in the Wind River Mountains, Wyoming, in a group of alpine lakes fed by perpetual snows. The source of the Grand is in Colorado. Like the Green, it is fed by small alpine lakes that receive their waters directly from snow banks. Including the Green, the Colorado River is about 1,700 miles long and empties into the Gulf of California in latitude 31° 53' and longitude 115°.

The Colorado River enters Arizona from Utah near what is called the Crossing of the Fathers and flows in Arizona on a meandered line 330 miles to the Arizona-Nevada State line, in Iceberg Canyon. From this point the river forms the western boundary line of Arizona on a meandered line for 400 miles, to the point where it intersects the boundary line between Arizona and Old Mexico.

The Colorado River Basin—that is to say, the region traversed by this river and drained by its tributaries—contains mountains reaching to a height of 13,500 feet, belted at the base by forests of vivid green, and capped with gleaming snow; it contains playas and inland lakes below the level of the sea; it contains vast plateaus of rugged, black scoria; immense forests of pine, cedar, and pinon, and in these forests are hundreds of small parks, bowl-like gems of exquisite scenery; it contains the largest area of recent volcanic action to be found on the continent, "recent" being employed in its geological sense. It contains a real desert where the raw and scorching sun comes down as a pitiless flail, where the sand reflects the heat and glare and distresses the eye of the traveler, and where little dew or moisture is deposited, but where a wind, hot as a furnace blast, sometimes blows from the south.

Before a railroad was built through it a journey over this desert was at times dangerous and always fraught with discomfort. Day after day nothing was to be seen but an expanse of hot sand, with now and then a cactus lifting its thorny arms into the brazen gloom. The loneliness of the pioneer pilgrim there seemed to sever him from human things and to remove him an infinite distance from the world, with its interests and its occupations, but nature, in one of her capricious moods, also placed in this same basin the richest agricultural lands in the Western Hemisphere.

In some parts of this basin, which were populous before the pyramids were built, ancient peoples builded cities not wholly lacking in grandeur. These peoples of antiquity wove and spun cotton and flax into gaudy tapestries before Romulus and Remus were suckled. They melted gold and silver into chieftain's ornaments and queens' girdles before Caesar's legion brought tribute back to imperial Rome.

Centuries before the Knickerbocker set foot on Manhattan Island, tribes of men now vanished irrigated the fertile sands of the lower basin of the Colorado River from canals and reservoirs finished with hard linings of tamped or burnt clay which in some degree possessed the endurance of our modern concrete. The origin of this people is enwrapped in the mists of antiquity. Nothing has been found of sufficient distinctiveness to enable us to do more than speculate and form ingenious theories as to whence they came, how long they enjoyed their tolerable civilization, and whither and why they went.

Within this basin and in Arizona is the Petrified Forest, whose trees lived their green millenniums and put on immortality in Triassic time, 7,000,000 years ago. The trees were of several kinds, most of them being related to the Norfolk Island pines. A small amount of iron oxide is distributed through the

logs, which gives them their beautiful yellow, brown, and red tints.

Within the region traversed by the Colorado River and drained by its tributaries is the Painted Desert, in which at a distance you perceive the "sea of jasper" and the face of cliffs that gleam like jewels; you seem to descry fortifications with flags flying on their ramparts, and walled towers on conical hills amidst an admixture of light and shade.

Within this basin and in Arizona is the Grand Canyon, of wondrous colors, of bold escarpments, pyramids, swelling domes, mosques, minarets, and isolated mesas through which rolls and tumbles the Colorado River.

On the 5th day of January, 1886, in the Forty-ninth Congress, the first bill to make the Grand Canyon a national park was introduced in the Senate by the late ex-President Benjamin Harrison, then a Senator from Indiana. This bill failed to become a law, and the project was presented to the Congress from time to time since 1886.

In the Sixty-fifth Congress I introduced a bill to make the Grand Canyon a national park. The bill was referred to Secretary of the Interior Lane for a statement of the facts relating to the subject, and in the Secretary's report to the committee he states as follows:

It seems to be universally acknowledged that the Grand Canyon is the most stupendous natural phenomenon in the world. Certainly it is the finest example of the power and eccentricity of water erosion, and as a spectacle of sublimity it has no peer.

It would be futile to attempt to describe the Grand Canyon. However, a review of a few facts with relation to the canyon would be pertinent to a report of this character.

The Colorado River, which flows through the gorge, drains a territory of 300,000 square miles, and it is 2,000 miles from the source of its principal tributary to its entrance into the Gulf of California. It is one of America's greatest rivers. It is proposed by this bill to establish a national park at the point in the river's course where it has worn a channel more than a mile deep. This enormous gulf measures occasionally 20 miles across the top.

The sides of the gorge are wonderfully shelved and terraced, and countless spires rise within the enormous chasm, sometimes almost to the rim's level. The walls and cliffs are carved into a million graceful and fantastic shapes, and the many-colored strata of the rocks through which the river has shaped its course have made the canyon a lure for the foremost painters of American landscapes.

It seems that the Grand Canyon, therefore, is entitled to the same status and to an equal degree of consideration by Congress as are enjoyed by Yellowstone, Yosemite, and the other great national parks which contain natural phenomena of the first order, and I heartily recommend immediate favorable action looking toward the enactment of this bill.

The bill passed both Houses of Congress and was approved by President Wilson on the 26th day of February, 1919.

The Grand Canyon National Park represents an area of approximately 950 square miles, a greater part of which is within the walls of the canyon.

FUTURE OF THE COLORADO RIVER BASIN

What is to be the future of the Colorado River Basin, a country larger in area than the tract of land which Virginia, with princely liberality, ceded to the General Government in 1787, out of which five States were erected?

Of course, its forests will be utilized, its mineral wealth will be sought, its scenic beauties will be unfolded; but its greatest development must come from its water resources, upon which the development of its other resources must largely depend. Without the water afforded by Colorado River and its tributaries, vast tracts of its land would remain unproductive and practically useless; but the Hand that formed this land, cleft its mountains in twain, filled their caverns with precious metals, painted its landscapes in colors warranted never to fade, and that replenishes this river left it feasible for man not only to construct large irrigation systems and to build towns, cities, and prosperous agricultural communities within this basin, but to generate hydroelectric power for lighting, heating, industrial uses, and the transportation of freight and passengers.

In discussing the broader possibilities and problems of the Colorado River Basin there are hundreds, even thousands, of minor yet important possibilities of expansion that I necessarily must leave unmentioned, although these future minor auxiliary developments will have much local importance and in the aggregate true natural significance. In general such minor or auxiliary projects do not preclude the larger use of the river, but must be undertaken as part of that larger use.

The record of accomplishment of the United States Reclamation Service enriches the annals of the American people. Irrigation projects charm the imagination with their wizardry.

Their power of transforming barren deserts into grain and cotton fields, into orchards and vegetable and flower gardens makes the lamp of Aladdin and the purse of Fortunatus seem tame and prosaic. The wildest hyperbole would not overestimate the strength, wealth, beauty, comfort, and public order that would be added to this Nation were all the unemployed agencies of the Colorado River utilized.

In order more readily to comprehend the potentialities of the Colorado River, it may be helpful at this point to translate some technical terms into common expressions.

One second-foot is a flow of 1 cubic foot of water per second.

One acre-foot is a volume of water sufficient to cover 1 acre 1 foot deep; 16,400,000 acre-feet of water would submerge the District of Columbia over 400 feet.

A horsepower is a rate of work equal to lifting 33,000 pounds 1 foot per minute. Originally based on observations of draft horses, it greatly exceeds the average performance of an ordinary horse.

The combined peak demand on all power plants in the District of Columbia in 1920 was 95,000 horsepower.

The total development at Niagara in 1916 was 575,000 horsepower.

The installed substation capacity on the Chicago, Milwaukee & St. Paul Railway electrification is 180 horsepower per mile.

At 200 horsepower per mile, 4,800,000 horsepower would serve 24,000 miles of electrified railroad, which roughly approximates the total railroad mileage in Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming.

POWER

A vast amount of power is dissipated in the fall of the Colorado River. Imaginative France calls water power "white coal," and this brilliant characterization suggests a coal free from dust, cheaper, easier handled, a supply inexhaustible, which after used flows on to the projects below and may be used again and yet again.

Thus on the main stream of the Colorado River below the junction of the Green and the Grand known power sites on the river have 6,000,000 potential horsepower, and of this 6,000,000 potential horsepower 4,000,000 thereof would be developed and generated in the State of Arizona.

The percentage of water which the States within the Colorado River Basin contribute, respectively, to the Colorado River is about as follows:

	Per cent
Arizona	28
California	00
Colorado	53.7
Nevada	.3
New Mexico	1
Utah	7
Wyoming	10
Total	100

I now read the following letter, which is self-explanatory:

UNITED STATES DEPARTMENT OF THE INTERIOR,
GEOLOGICAL SURVEY,
Washington, April 2, 1926.

Hon. HENRY F. ASHURST,
United States Senate.

MY DEAR SENATOR ASHURST: In response to your letter of March 31, I am inclosing a statement in tabular form which I believe will supply the information you desire respecting the flow of Colorado River at Lees Ferry and points below. Attention is called to the fact that the averages for the stations at Bright Angel Creek and Lees Ferry are based on records extending over but three and four years, respectively, and are probably below a long-time average inasmuch as the years 1924 and 1925 were years of low run-off in Colorado River Basin.

Flow in second-foot may be converted into acre-feet by multiplying by the number of days that the flow existed and that product by 1.98. If the rate of flow of a stream is 15,000 second-feet the run-off in one day will be 29,700 acre-feet; in a 30-day month it will be 891,000 acre-feet; and in one year 10,840,500 acre-feet. The computations may be reduced and results obtained within 1 per cent by using 2 as the factor instead of 1.98.

Yours very cordially, GEORGE OTIS SMITH, Director.

Annual flow of Colorado River at points in Arizona

Gaging station	Years of record	Second-feet			Acre-feet		
		Maximum year	Minimum year	Average	Maximum year	Minimum year	Average
Lees Ferry	1922-1925	22,300	15,800	19,400	16,100,000	11,400,000	14,000,000
Bright Angel Creek	1922-1925	23,500	16,100	19,200	17,000,000	11,700,000	13,900,000
Topock	1918-1925	29,800	16,200	22,900	21,500,000	11,700,000	16,600,000
Yuma	1903-1924	36,000	13,600	23,700	26,100,000	9,870,000	17,200,000

Years ending Sept. 30.

NAVIGABILITY

Prior to the construction of the Southern Pacific Railroad into Yuma, in 1876, practically all of the supplies reaching Arizona for the settlers and the troops came from California by steamer to Yuma, Ariz., where the ocean steamers lightered and their cargo was transferred to river steamers, which distributed the merchandise to the various settlements along the river between Yuma and Callville, thence to be hauled into the interior of Arizona by ox teams. For many years two steamers, the *Esmeralda* and the *Nina Tilden*, made regular trips up and down the river between Callville and Yuma, at which latter place they connected with steamships plying between Yuma and San Francisco. The owners of these river boats seeking trade carried standing advertisements in the Salt Lake City and San Francisco newspapers up to 1867.

FLOODS ON COLORADO RIVER

Hernando de Alarcón sailed in May, 1540, to explore the region north of New Spain, and reached the head of the Sea of Cortes, now known as the Gulf of California. He says: "And it pleased God that after this sort we came to the very bottom of the bay, where we found a very mighty river which ran with so great fury of a stream that we could hardly sail against it." Here began the acquaintance of Europeans with the river now known as the Nile of the West. Alarcón proceeded up the Colorado in small boats to a point about 100 miles above the mouth of the Gila River.

Owing to the gradual upbuilding of its deltaic bed and banks and its aggressive "cutting edge" the flood menace on the Colorado River is an ever-recurring problem.

The Gulf of California once extended northwestward to a point a few miles above the town of Indio, or about 144 miles from the present head of the gulf. The Colorado River, emptying into the gulf a short distance south of the international boundary, carried its heavy load of silt into the gulf for centuries, gradually building up a delta cone entirely across the gulf and cutting off its northern end, which remains as a depression from which most of the water has evaporated, leaving in its bottom the Salton Sea of 300 square miles, with its surface below sea level.

The river flowing over its delta cone deposits silt in its channel and by overflow on its immediate banks, so that it gradually builds up its channel and its banks and forms a ridge growing higher and higher until the stream becomes so unstable that it breaks its banks in the high-water period and follows some other course. In this manner the stream has in past centuries swung back and forth over its delta until there exists as a broad flat ridge between the gulf and the Salton Sea, about 30 feet above sea level, and on the summit of this has formed a small lake called Volcano Lake, into which the river flows at present, the water then finding its way to the southward into the gulf.

The floods of the Colorado divide themselves naturally into two general classes—those from the Colorado River, which drain the large areas in Arizona, Colorado, New Mexico, Nevada, Utah, and Wyoming, and those from the Gila River, of Arizona.

The Gila River, owing to its temperamental and flashy nature, sometimes furnishes a volume of water and flood waves at its mouth near Yuma almost as large as the maximum discharge of the Colorado at the same point.

During the past 25 years at flood seasons the Colorado and the Gila have overflowed their banks and have done damage to the landowners and water users on the eastern side of the river below Yuma, and although the land in that region is very fertile and the average yield per acre is high, the expense of controlling this mighty river and keeping it in a fixed channel is a burden of crushing weight which can not be borne by the farmers there.

If Imperial Valley in California is imperilled by floods of the Colorado River, the blame can not be laid at Arizona's door. If disaster should come to Imperial Valley, Arizona will sympathize deeply with the citizens of that valley. Every responsible citizen of Arizona is now and always has been in favor of the all-American canal and flood-control to protect Imperial Valley. Arizona has extended to Imperial Valley the hand of friendship, and has spoken in the calm language of justice. The Arizona delegation in Congress is not only willing but anxious to vote for any and all appropriations necessary to build the all-American canal and secure flood control for Imperial Valley.

Let me read to you from a speech delivered by Hon. Thomas Maddock at the conference held at Phoenix, Ariz., on August 17, 1925, at which conference there were present the following delegates:

California: Senator Ralph E. Swing, of San Bernardino, chairman; Assemblyman A. C. Finney, of Brawley, secretary; Senator L. L. Den-

nett, of Modesto; Assemblyman Walter J. Little, of Los Angeles; Arthur P. Davis, Oakland, engineer.

Nevada: Charles P. Squires, Las Vegas, chairman; George A. Cole, Carson City; George W. Borden, Carson City; Levi Syphers, St. Thomas.

Arizona: Cleve W. Van Dyke, of Miami, chairman; H. S. McCluskey, of Phoenix, secretary; Thomas Maddock, of Phoenix; F. A. Reid, of Phoenix; A. C. McGregor, of Warren.

Mr. Maddock is an able and experienced engineer and an eminent citizen of Arizona. In the course of his well-considered speech he said the following:

Now, here is one point, I want to say to you, we believe we can give you everything that you want or need in both California and Nevada, but we are not willing to let the sheep of flood protection cover up the wolf of power and water greed. We will not allow you to get away with our resources just simply because you need protection. We want to give you that protection. We would be glad to. We would be glad to help you in any way to get the Imperial Valley away from the menace of the Mexican control. We are glad to help you that way and if the people of this State feel that way I will tell you that our Representatives and Senators will be that way or we will change them. Now, then, I want to say one thing and just this in closing, if this delay that I prophesy does occur, and if finally you do start something, but the engineering estimate is from 10 to 20 years, you run up against the inevitable breaking of the Colorado River back into the Imperial Valley. If this two or three years delay, added to the construction period, so delays that you get a big flood there and forever drowns out your valley, I say to you gentlemen that the blood of your people of that valley be on your own heads.

If the advocates of the Swing-Johnson bill had exercised the energy, prescience, and judgment employed by the Arizona delegation in Congress, Imperial Valley would to-day have been protected from floods of the Colorado River and the all-American canal would have been nearing completion; but, most unfortunately for Imperial Valley, the advocates of the Swing-Johnson bill preferred to spend their time and energy in planning how most effectively to exploit Arizona's resources rather than to spend their time and energy in securing the relief which Congress would quickly and amply grant. Just so long as Imperial Valley continues to be beguiled by those urban Pollyannas who seek to acquire Arizona's potential hydroelectric energy, just so long will Imperial Valley be imperiled.

There is ample time remaining during the life of this Congress to authorize flood control and the all-American canal for Imperial Valley if she will but consent to accept such relief.

Arizona knew full well that she could not defer flood-protection, river-front, and levee work until the Swing-Johnson bill should become a law; so, with foresight and prudence, assisted by Col. Benjamin Franklin Fly—the able parliamentary solicitor for the Yuma irrigation project—Arizona's delegation in Congress finally convinced Congress of the injustice of requiring the water users and landowners of the Yuma irrigation project to bear the expense of holding the Colorado River within a fixed channel at Yuma, and the following legislation was enacted:

[Public, No. 585, Sixty-eighth Congress]

[H. R. 11472]

An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

SEC. 16. (a) That there is hereby authorized to be appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of \$650,000, or so much thereof as may be necessary, to reimburse the reclamation fund for the benefit of the Yuma Federal irrigation project in Arizona and California for all costs, as found by the Secretary of the Interior, heretofore incurred and paid from the reclamation fund for the operation and maintenance of the Colorado River front work and levee system adjacent to said project.

(b) That there is hereby authorized to be appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of \$50,000, or so much thereof as may be necessary, to be transferred to the reclamation fund and to be expended under the direction of the Secretary of the Interior for the purpose of paying the operation and maintenance costs of said Colorado River front work and levee system adjacent to said Yuma project, Arizona-California, for the fiscal year ending June 30, 1926.

(c) That there is hereby authorized to be appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, for the fiscal year ending June 30, 1927, and annually thereafter, the sum of \$35,000, or so much thereof as may be necessary, as the share of the Government of the United States of the costs of operating and maintaining said Colorado River front work and levee system.

Approved, March 3, 1925.

[Public, No. 560, Sixty-ninth Congress]

[H. R. 11616]

An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

That there is hereby authorized to be appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, for the fiscal year ending June 30, 1928, and annually thereafter, the sum of \$100,000, or so much thereof as may be necessary, to be spent by the Reclamation Bureau under the direction of the Secretary of the Interior, to defray the cost of operating and maintaining the Colorado River front work and levee system adjacent to the Yuma Federal irrigation project in Arizona and California.

Section 16 (c), act approved March 3, 1925 (43 Stat. L., p. 1198), is hereby repealed.

Politically, financially, industrially, socially, and economically California is one of the most powerful States of the Union, and if her congressional delegation will but labor for Imperial Valley along the same practical lines that Arizona labored for Yuma success will abundantly crown their efforts.

If the sword of Damocles is suspended over Imperial Valley and the waters of wrath are held in check only by a tricky guard of sand, let the California delegation follow the example of Arizona and obtain the relief which Congress would be willing to grant.

Arizona is a State of slow growth compared with California, and we do not intend that our future and our opportunity for development and growth shall be foreclosed by the avidity of southern California, which is a country of rapid development.

I know the generosity of Senators will pardon me if I now presume to solicit their attention while I make a reference personal to myself. My forebears were members of that bold advance guard of pioneers who 70 years or more ago explored the Colorado River Basin. From the time of my youth to the present day I have wielded ceaselessly what strength was mine, which was modest and small enough, to bring about the development of the potentialities of the Colorado River. The time now seems not far distant when my hope shall be realized, and there shall be brought forth within and for the United States the inland empire of the Colorado River Basin, an empire wealthier than that which Pizarro added to the dominions of Charles V, and more splendid and more durable than that of the Cæsars. Unfortunately, however, the legislation now proposed for development of the Colorado River (S. 3331) is sectional in character, is wholly in the interest of California, and disregards the rights of Arizona.

The Colorado River is the Nation's most remarkable and dramatic river in its value for irrigation and hydroelectric energy. It combines concentration of fall, sites for power plants, reservoir sites for controlling the river flow, and a vast volume of water for irrigating several million acres of land.

Other rivers may be used, either for irrigation or for hydroelectric power, but no other river in the Western Hemisphere presents such enormous opportunity for the use of its waters for both irrigation and power.

In approaching the problems of a river so pregnant with possibilities for development, it is important that all the factors connected therewith—engineering and economic—should be fully evaluated and that expediency shall play no part therein.

It is the opinion of all experts that there is no surplus water in the Colorado River, therefore in any plan of developing that river, extreme care should be exercised so that no practicable potentiality shall be needlessly sacrificed.

There exists now in some sections of the Colorado River Basin a demand for irrigation, hydroelectric power, and flood control, and whilst the development proposed by this bill is dazzling, nevertheless, a visualization of farms, fields, factories, towns, and cities yet to arise of which the Colorado River must be the alimentary canal is equally as important, hence no plan or scheme should be adopted which would forever preclude the possibility of a full use of all the water resources of the river.

Before many years shall have passed the demand for water within the Colorado River Basin will be as great, possibly greater, than the available supply; therefore it would be a tragic blunder were the initial dam placed at a point so far downstream as to preclude construction in the future of other dams or series of dams which will inevitably be necessary higher up the river, and unfortunately that is what the bill S. 3331 proposes to do.

The logical and practical way to develop a river is to begin at its source and work toward its mouth. This bill proposes to reverse this logical and practical order of development.

The elevation of the water surface of the Colorado River at Glen Canyon is 3,127 feet, at Bridge Canyon it is 1,207 feet, and at Boulder Canyon it is 705 feet.

ARIZONA

Ninety-seven per cent of the entire area of the State of Arizona is within and constitutes 43 per cent of the total area of the Colorado River drainage basin.

Arizona contributes about 28 per cent of the waters of the Colorado River.

Of the 6,000,000 firm horsepower of potential hydroelectric energy in the lower basin 4,000,000 thereof is in Arizona, but the Boulder Canyon plan of development would allot to Arizona only an insignificant fraction of this hydroelectric power.

Of the lands in Arizona susceptible of irrigation, all thereof to be irrigated must obtain their water from the Colorado River or its tributaries in Arizona; they have no other waters from which to draw.

CALIFORNIA

Only 2 per cent of the Colorado River drainage basin is in California.

California contributes no water to the Colorado River.

The Boulder Canyon plan of development allots to California 37 per cent of the waters of the Colorado River.

The Boulder Canyon plan allots to California practically all of the hydroelectric power to be generated in the lower basin of the Colorado River.

California has 18,000,000 acres of land irrigable by waters other than by the waters of the Colorado River.

Of potential hydroelectric energy, California has 6,000,000 horsepower which may be developed within her borders on streams other than the Colorado River or its tributaries.

The Boulder Canyon plan allots to California practically all the hydroelectric power developed in Arizona, but California would not permit Arizona to direct the allocation of the hydroelectric power developed on California streams.

It is the opinion of numerous engineers of large ability and vast experience that to place the initial high dam at Boulder Canyon would sacrifice priceless resources of this river inasmuch as a high dam at Boulder Canyon would defeat a comprehensive and systematic plan of maximum development.

A storage dam at Glen Canyon, with a diversion dam at Bridge Canyon, would achieve precisely what is sought by a dam at Boulder Canyon, viz, flood control, irrigation, hydroelectric power, and domestic water for the cities and towns of southern California; and, furthermore, such dams at Glen Canyon and at Bridge Canyon would sacrifice no potentiality of the river.

Attention is directed to the testimony of Mr. O. C. Merrill, executive secretary of the Federal Power Commission (see p. 505, vol. 5, hearings before Senate Committee on Irrigation and Reclamation):

While the resources of the Colorado River approximate from 4,000,000 to 6,000,000 horsepower, way beyond present-day requirements of the Southwest, and including in the Southwest the southern half of California, there is no reasonable doubt that within the next half century at the outside there will be demand for all the hydroelectric energy that the lower Colorado River at least can supply, and care must, therefore, be taken in any scheme of development of the river to see that we do not sacrifice, unless for outstanding reasons, any future possibilities of power.

It is, of course, true that we should attempt to serve our generation and meet the needs and requirements of our own day, but it is none the less true that we will never be forgiven at the bar of public opinion if in serving our own day and generation we reject a plan for Colorado River development (viz, storage dam at Glen Canyon and diversion dam at Bridge Canyon), which plan if consummated would furnish all the practical results needed and desired by this generation and would at the same time conserve all the natural advantages of this river for those who in the days yet to come are to live in the Colorado River Basin. It is entirely within the realm of practicability to irrigate every acre of land within the Colorado River Basin susceptible of irrigation if science and national welfare, instead of expediency and selfishness, be allowed to control.

There will be no remorse so poignant as that which will come from a realization, after the expenditure has been made, that in placing the high dam too far down on the river—at Boulder Canyon—a potential empire in the lower basin has been stunted.

The enactment of this bill into law would sentence Arizona to obscurity and render impossible in that State any large development in the future.

This bill, however, with all its vices, is at least free from the vice of hypocrisy. It sedulously and intentionally proposes to sever Arizona's jugular.

The bill is intended to be, and is, an attempt to coerce Arizona. One administration unsuccessfully attempted to coerce Arizona into joint statehood with New Mexico. Another administration unsuccessfully attempted to coerce Arizona upon certain provisions of her constitution, and those of the present administration who are attempting by this legislation to coerce Arizona will ultimately discover that they have simply been standing like large locomotives on a sidetrack, without driving rods, wasting their steam in vociferous and futile sibilation.

What abysmal folly to condemn, as this bill does, 200,000 firm horsepower, which is over one-third of all the electrical energy proposed to be generated at Boulder Canyon, eternally to the task of lifting 1,500 second-feet of water to a height of 1,730 feet and pumping the same to the cities and towns of southern California for their domestic use, when at no greater cost the same supply of domestic water may be sent to these same cities and towns of southern California by gravity from a diversion dam at Bridge Canyon, and thus save and release for other purposes this enormous quantity of horsepower!

What reckless disregard of the public interests to build a dam at Boulder Canyon, as this bill proposes, which at most could irrigate only 200,000 acres of land in Arizona, whilst the storage dam at Glen Canyon and the diversion dam at Bridge Canyon would irrigate at least 3,000,000 acres of land in Arizona!

The bill (S. 3331) is objectionable, among other reasons, because it attempts to compel the settlement of a controversy among various States, which controversy the Federal Government has no authority to enter and could not settle even if it should enter.

On February 21 the senior Senator from California [Mr. JOHNSON] stated, among other things, that it was his information that a tentative agreement had been reached between the States of Arizona and California as to the distribution of the water, but it is my information that no agreement has been reached because of remissness or indifference of California, as indicated by the telegrams addressed by the Arizona commissioners to Representative HAYDEN, of Arizona, which are as follows:

LOS ANGELES, CALIF., February 9, 1927.

HON. CARL HAYDEN,

100 Maryland Avenue NE.:

California this morning for the third time requested 24 hours' delay to consider our latest proposal, one member even advocating 10 days recess. The press reported speech that we have agreed to a tentative one-third two-thirds division of the water of the main Colorado is absolutely incorrect. It was a California proposal unaccepted by us. We are asking for an equal division with California.

MCCUSKEY and MADDOCK,
Arizona Commissioners.

PHOENIX, ARIZ., February 18, 1927.

HON. CARL HAYDEN,

House of Representatives, Washington, D. C.:

The tri-State conference which was to resume negotiations at Los Angeles this morning was postponed because of wire from California advising us California commission was unable to get together to-day; that they would advise us earliest date possible to confer. We shall be ready to meet them whenever they get date.

MCCUSKEY, MADDOCK, and GUST,
Arizona Commission.

PHOENIX, ARIZ., February 21, 1927.

HON. CARL HAYDEN,

100 Maryland Avenue NE.:

Have wire from Charles P. Squires, chairman tri-State conference, suggesting Thursday, the 24th, for next meeting.

H. S. MCCUSKEY,
Arizona Commissioner.

PHOENIX, ARIZ., February 22, 1927.

CARL HAYDEN:

Statement in press from Pound, chairman of California commission, Arizona responsible for present delay or, in fact, any delay since com-

mission was created, untrue. California responsible for recess in present and former cases. We have repeatedly urged speed in negotiations.
 McCLUSKEY AND MADDOCK,
Arizona Commissioners.

I ask the clerk to read the late proposal made by the Arizona commissioners to the California commissioners, to which the California commissioners have not replied, so far as I am advised. The proposal is dated February 7, 1927.

The PRESIDING OFFICER (Mr. Nye in the chair). Is there objection?

Mr. LA FOLLETTE. I object.

Mr. ASHURST. I have no comment to make on the objection of the Senator from Wisconsin. He is within his rights. I now read the Arizona proposal, to wit:

PROPOSAL SUBMITTED BY ARIZONA TO CALIFORNIA AND NEVADA ON FEBRUARY 7, 1927

ARTICLE I

It is recognized by the parties hereto that the unregulated normal flow of the Colorado River is insufficient to irrigate properly the lands already under cultivation by irrigation from the waters of said river; that the benefits within the United States of the flood waters of said river belong wholly to the citizens of the respective States; that without disparagement of the treaty-making power of the United States Government, the States party hereto and the Congress of the United States in consenting to this agreement shall be understood as declaring: That it is their purpose and intention to utilize within the borders of such States all of the waters of the normal flow of the Colorado River heretofore appropriated and put to beneficial use in accordance with the laws of the States in which the same are being put to beneficial use, and all of the flood waters of the Colorado River capable of being utilized within the borders of the United States for any purpose by the construction of storage dams within the United States; and that all persons shall take notice that they can not acquire any moral or equitable claim to the waters of the Colorado River temporarily made available for use by the regulatory effect of any dam or dams constructed in pursuance of this agreement, as it is the intention of the parties hereto to eventually put to beneficial use within the signatory States all of such water. Any declaration or inference contained in or drawn from any instrument, agreement, or compact signed prior to this agreement which is inconsistent herewith is hereby withdrawn.

ARTICLE II

The States of Arizona, California, and Nevada hereby agree that the water of the Colorado River and its tributaries in such States shall be divided, allotted, and appropriated as follows:

(a) All of the water of the tributaries of the Colorado River which flows into said river below Lees Ferry, Ariz., are hereby allotted and appropriated exclusively in perpetuity in the States in which such tributaries are located and may be stored in and diverted from said tributaries for use in said States.

(b) There is hereby allotted and appropriated in the State of Nevada for use in said State that portion of the total amount of the water of the main Colorado, measured at the point of diversion from said river, which can be beneficially used for agricultural and domestic purposes, not exceeding 300,000 acre-feet per annum. There is hereby allotted and appropriated for agricultural and domestic use to each of the States of Arizona and California from the remainder of the water available one-half of the water of the main Colorado River.

(c) The flow of the river shall be measured at each point of diversion and the proportion allotted to each State shall be computed as the proportion of the amount diverted for use in such State bears to the total flow of the river at such point.

(d) The States of Arizona, California, and Nevada hereby agree to limit and control future appropriations and beneficial use of water in said respective States to such an amount and in such manner as will insure that present perfected rights in each said State will be fully protected and supplied out of water hereby allotted to said State.

ARTICLE III

The following rules shall apply to the use and storage of water under this agreement:

(a) The use of water for irrigation and domestic purposes allotted in Article II hereof shall be superior to any right of storage for power purposes or navigation, and any of said States may divert from the river the water allotted to it at any point on the river, provided that if any State shall take any water so allotted to it out of the main channel of the Colorado River at a higher elevation than the highest elevation of the bed of said river in said State the works constructed for such purpose shall not interfere with a beneficial development of the fall of the river in any State other than the State taking out water at such higher elevation, and the State or States taking out water at such higher elevation shall fully compensate the other States affected thereby for the loss of power caused thereby in such States.

(b) The prior construction of any dam or reservoir shall not give any prior or superior right to such dam or reservoir to the flow of the river for the benefit of such dam or reservoir for power purposes, but the rights of all dams and reservoirs constructed under this agreement shall be on an equality for power purposes, regardless of the date of construction thereof.

(c) Yearly and seasonal stored water shall be held at as high elevation on the river as practicable in order to reduce evaporation losses and provide regulation for power as well as for irrigation, domestic and flood-control purposes.

(d) Reregulation storage for seasonal and daily variations in demand shall be located as close to the land to be irrigated as practicable, and water for irrigation and domestic purposes shall be supplied first from the nearest reservoir above the point of diversion of such water.

ARTICLE IV

The territory of no State shall be entered upon for the purpose of constructing or maintaining works utilizing the water of the Colorado River except with the consent and subject to the laws of such State, but each of the States hereby agree to grant all necessary permits, licenses, sites, and rights of way over State lands that may be required to carry out the provisions of Articles III and VI hereof.

ARTICLE V

The United States recognizes the necessity for flood protection and development of the Colorado River and hereby agrees to grant the necessary sites, rights of way, and licenses over public lands for the construction and operation of works for the control and utilization of the Colorado River for flood protection, irrigation and domestic uses of water, and the construction of dams for power purposes in pursuance of the provisions of this agreement.

ARTICLE VI

Each of the States party hereto, and the United States, recognize the acute necessity for flood and drought protection for lands now in cultivation by irrigation from the waters of the Colorado River and hereby pledge their good faith to grant the necessary permits, licenses, and sites for such construction, also rights of way to any district or agency that may be created in pursuance of the terms of this agreement for the immediate construction of a reservoir in the main channel of the Colorado River at such point as may be determined upon by the Federal Government, if it be a Government project, or by the majority of the States party to this agreement, if by some other agency. Such permits, licenses, sites, and rights of way shall include those necessary for the construction of the dam and reservoir and appurtenant works, including hydroelectric power plants and transmission lines: *Provided*, That no dam or other works shall be built in the bed of the Colorado River at any point in the river which when constructed will back up the water of the river so as to limit or interfere with the construction of a dam heretofore selected by any other States for the diversion of water for irrigation or domestic purposes in that State.

ARTICLE VII

(a) It is expressly agreed and understood that the signatory States in this compact, and their political subdivisions, shall possess the right to derive revenue for public purposes from power developed within their territory or on their boundary.

Such revenue may be derived by any manner or kind of taxation in each State as may be imposed by such State under its constitution and laws, but whatever kind or manner of taxes are imposed the total revenue derived from such taxation in any State shall be limited to the amount that would be derived from a property tax, at the rate levied by such State or taxing districts, therein upon other like or similar property within the State, upon the property employed or used in the production of such power on the same basis of valuation used by such State or taxing district in taking other like or similar property therein. The value of the right to utilize natural resources for the production of power, including dam sites, reservoir sites, the water, and the fall thereof, in the production of said power may be considered as property used in the production of said power and included in the valuation upon which the limitation of such tax is based.

In order that the benefits of the development of the Colorado River may be distributed among the respective States as if said development were made by private capital, the United States agrees that if it shall undertake the construction of any Federal project or projects on the main Colorado River wholly or partly within any of the States party hereto, it will make provision in the sale or lease of power or power privileges from such project or projects for payment to the respective States of the same amount of revenue from the power produced by such Federal project or projects as such States would derive under this agreement, if such Federal project or projects had been constructed by private capital.

If in the opinion of any of the signatory States the taxes imposed by any other State upon a project constructed by the Federal Government

or a project constructed on the boundary of two or more States are excessive, such State or States shall have the right to appeal to a board of equalization for an adjustment of the valuation limiting such taxation. The Colorado control commission shall constitute such board of equalization. In case of appeal, the decision of this board shall be final and binding, subject only to appeal to the Federal courts.

No revenue shall be received by or paid to any State on account of taxation of a power project except to the extent the project shall have been completed and placed in operation.

ARTICLE VIII

Any State in which reservoir sites exist in the Colorado River or its tributaries, directly or through any district or agency created in pursuance of and hereafter authorized by the laws of said States, may build dams, hydroelectric-power plants, and appurtenant works in such State and operate or lease the same. Where the reservoir is situated in two or more States, such dams, power plants, and appurtenant works may be built, operated, or leased jointly by the two or more States, or by any district or agency that may be created in pursuance of the laws of such States. Such State or States may sell or lease the power produced by such dams or power plants. The cost of the construction of all such development works shall be borne by the respective States, districts, or agencies created in pursuance of the laws of such States.

ARTICLE IX

Where development works are constructed in two or more States, the entire hydroelectric plant, including dams, reservoirs, power houses, and appurtenant works shall be considered a unit in all matters relating to the financing of construction, the operation lease and taxation, regardless of the location of the power plants with reference to State boundaries. All power and revenue from the sale or lease of power or valuation of such power or works for the purpose of taxation of such power shall be divided among the States in direct proportion to the present amount of fall which the river makes in each State between the dam and the elevation of the bed of the stream reached by the backwater when the reservoir is filled. Where the river forms the boundary between the States, each State shall be allotted one-half of the fall which occurs in the present river bed on such joint boundary for the purpose of computing the relative proportions allotted to each State.

ARTICLE X

(a) The use of power developed by such dams and works shall never vest in perpetuity in any private person or corporation, but the States and citizens of States in which such power is developed shall have preferred rights in its use whenever the need for it may arise: *Provided*, That leases for the use of power for terms not exceeding 50 years may be made by any such State or any district or agency hereafter created in pursuance of law when approved in such manner as may be provided by the laws of such State in which the power sites are situated.

(b) Power developed by projects located on the borders of two or more States may be constructed in perpetuity to political subdivisions of States: *Provided*, That there shall be reserved to each of the States in which the project is located an amount equal to 20 per cent of the power developed.

ARTICLE XI

In the construction and operation of all dams and power plants for the utilization of the waters of the Colorado River, undertaken in pursuance of the terms of this agreement, the following rules shall apply:

Every dam constructed on the Colorado River shall be a unit in a comprehensive plan which will insure the maximum water for domestic and irrigation use and for the development of the maximum amount of power.

Where dams and power plants are located wholly in one State, the laws of that State shall govern such construction and operation. Where such dams and power plants are located in more than one State, the States affected shall agree upon the plans and rules and regulations for such construction and operation and upon the agency to be adopted for such joint construction and operation; provided that in the event two States are affected and they shall be unable to agree upon any such matter, the Colorado River control commission shall decide the question.

ARTICLE XII

In the event the United States shall undertake the construction, financing, and operation of any development on the Colorado River, for flood control, irrigation, or power purposes, and requires the repayment of funds advanced for such purposes, such repayment to the Government shall be made in accordance with the United States reclamation act and amendments thereto.

Operation and administration of the same shall be under the direction of the Colorado River control commission.

After all obligations to the Government have been met, the entire benefits shall become the property of the State interested.

ARTICLE XIII

For the administration of the provisions of this compact, there shall be constituted a commission to be known as the Colorado River con-

trol commission, consisting of three members, one to be designated by each of the three signatory States.

Each State shall choose and fix the terms of office and salary of the members representing it.

The commission shall be allowed their necessary traveling expenses incurred in performing the duties of their office.

The commission shall have the authority to employ such assistants as may be necessary to carry out their duties.

The cost of administration shall be included in the cost of operation of the project or projects.

In case the commission is unable unanimously to agree in regard to policy or procedure, they shall call to their assistance such official of Utah and New Mexico as is charged with the engineering duties in connection with the administering of the water resources of these States. These, with said commission, shall constitute a board which shall by majority vote decide the questions in dispute.

During the reading,

Mr. LA FOLLETTE. A parliamentary inquiry.

The PRESIDING OFFICER (Mr. Nye in the chair). The Senator will state it.

Mr. LA FOLLETTE. Has the Senator from Arizona yielded the floor?

Mr. ASHURST. No.

Mr. LA FOLLETTE. It is impossible to hear the Senator.

Mr. ASHURST. I am not responsible for the defect in any of the faculties of the Senator from Wisconsin.

Mr. LA FOLLETTE. The Senator realizes that fact. However, the Senator is not reading in an audible tone of voice.

Mr. ASHURST. If the Senator will listen he will hear me.

Mr. BLEASE. Mr. President, will the Senator yield to me? The Senator will not lose the floor. I suggest the absence—

Mr. ASHURST. I beg the Senator not to do that.

Mr. BLEASE. The Senator will not lose the floor.

Mr. ASHURST. A quorum could not be developed now, and it would be charged against me.

The PRESIDING OFFICER. If the Senator from Arizona will suspend for a moment, the Chair will state that he ruled a while ago on the objection of one Member of the Senate to the consent which was asked to have read by the clerk the paper to which the Senator from Arizona referred. The Chair was not mindful of Rule XI—

Mr. ASHURST. I have not found fault with the Chair. The Chair is trying to be fair.

The PRESIDING OFFICER. But the Chair has been unfair.

Mr. ASHURST. No; the Chair has not been unfair.

The PRESIDING OFFICER. The rule is clearly written that when there is objection it shall be determined by a vote of the Senate, without debate.

Mr. ASHURST. I find no fault with the Chair. If the Senator from Wisconsin [Mr. LA FOLLETTE] prefers to have me rather than the clerk read the proposal I shall read it, but I thought the clerk's voice was richer than mine. However, my friend apparently loves my voice better than he does that of the reading clerk.

The PRESIDING OFFICER. The Senator from Arizona does not prefer that the Chair shall put the question to the Senate?

Mr. ASHURST. No, sir.

After the reading,

Mr. ASHURST. Mr. President, I have here the opinion of a firm of able lawyers regarding some features of the constitution of Arizona. I ask that the clerk read the same.

The PRESIDING OFFICER. Is there objection?

Mr. LA FOLLETTE. I object.

The PRESIDING OFFICER. The question is—

Mr. ASHURST. I do not quarrel with the objection.

The PRESIDING OFFICER. The question under the rule is, Shall the objection of the Senator from Wisconsin be sustained?

Mr. ASHURST. The Senator from Wisconsin has the right to object.

Mr. BLEASE. Mr. President, will the Senator yield to me now?

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from South Carolina?

Mr. ASHURST. I can not yield. [Reading:]

KIBBEY, BENNETT, GUST, SMITH & LYMAN,

Phoenix, Ariz., January 31, 1927.

HON. CARL HAYDEN,

House of Representatives, Washington, D. C.

DEAR SIR: Section 28 of the enabling act of Arizona reads as follows:

"There is hereby reserved to the United States and excepted from the operation of any and all grants made or confirmed by this act

to said proposed State, all land actually or prospectively valuable for the development of water power or power for hydroelectric use or transmission, and which shall be ascertained and designated by the Secretary of the Interior within five years after the proclamation of the President declaring the admission of the State, and no land so reserved and excepted shall be subject to any disposition whatsoever of said State, and any conveyance or transfer of such land by said State or any officer thereof shall be absolutely null and void within the period above named; and in lieu of the land so reserved to the United States and excepted from the operation of any of said grants, there be and is hereby granted to the proposed State an equal quantity of land to be selected from land of the character named and in the manner prescribed in section 24 of this act."

In our opinion said provision does not affect the legal status of the Colorado River. It makes no reference to the Colorado River nor to any river. It refers only to grants made or confirmed by said enabling act. A grant is a transfer of real property. (1 Bouvier Law Dictionary, p. 900.)

Referring to said enabling act, it appears that the only transfers of real property mentioned in that portion of the act relating to Arizona are the grants of public land made by the United States to the State of Arizona in sections 24 and 25 of the enabling act, viz, sections 2, 16, 32, and 36, granted or confirmed to the State for common-school purposes, and the right granted to the State to select certain acreages for institutional and other purposes. The grants referred to do not include the beds of navigable streams. In *Shively v. Bowlby* (152 U. S. 1, 58), the Supreme Court of the United States, after a thorough review of the subject, reached the conclusion that "Grants by Congress of portions of the public lands within a Territory to settlers thereon, though bordering on or bounded by navigable waters, convey of their own force no title or right below high-water mark and do not impair the title and dominion of the future State when created." Undoubtedly the same rule applies to grants by Congress of portions of the public lands to a State for school, institutional, or other purposes.

Since the grants referred to in the above extract from the enabling act do not include the beds of navigable rivers, it follows that the exception from such grants can not include the beds of such rivers because by its very nature and exception from a grant must be carved out of the grant and can not extend beyond the limits of the grant. Neither can the reservation to the United States include any lands not included within the terms of the grants referred to, because the lands reserved are the lands excepted. There is nothing whatever in such provision to indicate that the reservation to the United States was intended to be broader than the exception from the grants. That said reservation is not broader than the grants is made conclusive by the words, "And in lieu of the land so reserved to the United States and excepted from the operation of any of said grants, there be, and is hereby, granted to the proposed State an equal quantity of land, to be selected from land of the character named and in the manner prescribed in section 24 of this act."

In connection with this subject the disclaimer by the inhabitants of the State of all right and title to the public lands within the State contained in section 20 of the enabling act must also be considered. Said disclaimer reads as follows:

"That the people inhabiting said proposed State do agree and declare that they forever disclaim all right and title to the unappropriated and ungranted public lands lying within the boundaries thereof."

This disclaimer, unlike the reservation from section 28 above set forth, did not make its first appearance in the Arizona enabling act. In a slightly different form it originated in a resolution of the Continental Congress adopted September 6, 1780. It was inserted in the enabling act of Alabama when that State was admitted into the Union, and construed by the Supreme Court of the United States in the year 1844 as not including land in the bed of a navigable river in *Pollards, Lessee, v. Hagan* (3 Howard 219, 224).

The enabling act of the State of Oregon, adopted February 14, 1859, required that the people of Oregon should provide by ordinance, irrevocable without the consent of the United States, that said State shall never interfere with the primary disposal of the soil within the same by the United States or with any regulation Congress may find necessary for securing the title in said soil to bona fide purchasers. The legislative assembly of Oregon adopted this condition by act of June 3, 1859. Notwithstanding this condition and the acceptance thereof, the title of the State of Oregon to tidewater lands is unquestioned, *Shively v. Bowlby* (152 U. S. 1, 58), and the title of said State to the beds of navigable rivers rests upon the same basis. *Johnson v. Knott* (10 Pac. 418 (Oreg.); *Brewer Elliott Oil Co. v. U. S.*, 260 U. S. 77.)

The disclaimer above quoted from section 20 of the Arizona enabling act is evidently taken almost verbatim from the enabling act of North Dakota, South Dakota, Montana, and Washington, approved February 22, 1889. Article XVIII of the constitution of Washington, adopted in pursuance of said enabling act, expressly asserted the title of the State to the beds and shores of all navigable waters in the State up to and including the line of ordinary high waters, and the title of the State so asserted has never been questioned. *Eisenback v. Hatfield* (26 Pac.

539; *Yesler v. Commissioners* (146 U. S. 646); *Port of Seattle v. Railroad Co.* (255 U. S. 56.)

The same disclaimer is found in the enabling act of Oklahoma, and Chief Justice Taft has recently declared that Oklahoma has title to the beds of navigable rivers within its boundaries. *Brewer Elliott Oil & Gas Co. v. United States* (67 Law Ed. 140.)

The above decisions conclusively establish that the disclaimer of title to the public lands contained in section 20 of the Arizona enabling act does not apply to lands in the beds of navigable streams. It is impossible to reasonably argue that the reservation in section 28 of the enabling act has any broader application. It follows that the said reservation does not affect the title to the beds of navigable streams. But if there were any doubt upon the question, that doubt would have to be resolved in favor of sustaining the title of the State to the beds of such streams for the reason stated by the Supreme Court of the United States in the following language:

"The United States early adopted and constantly has adhered to the policy of regarding lands under navigable waters in acquired territory while under its sole dominion as held for the ultimate benefit of future States, and so has refrained from making any disposal thereof save in exceptional instances when impelled to particular disposals by some international duty or public exigency. It follows from this that disposals by the United States during the Territorial period are not lightly to be inferred and should not be regarded as intended unless the intention was definitely declared or otherwise made very plain." (*United States v. Holt State Bank*, 70 Law Ed. 213.)

In an earlier case this rule of construction in favor of equality among the States was asserted by the Supreme Court of the United States as follows:

"It is impossible to suppose that by such indefinite language as was used in the enabling act Congress intended to differentiate Nebraska from her sister States, even if it had the power to do so, and attempt to impose more onerous conditions upon her than upon them." (*Bolln v. Nebraska*, 176 U. S. 83.)

It has been suggested that if said reservation does not include the beds of navigable streams, it was a vain and useless act. Such is not the fact. The unnecessary prohibition upon the State's power of disposal found in the provision indicates that the main purpose of Congress in inserting the provision in the enabling act was to prevent valuable power sites from being acquired by private individuals through purchase from the State. This purpose has been fully achieved. With the ownership and control of the lands bordering on the Colorado River vested in the United States, neither the State of Arizona nor private individuals are in a position to develop or exploit the river without the approval of the United States.

We are of the opinion that the said reservation would be unconstitutional if it were construed so as to reserve to the United States the beds of the navigable waters within the State. In general, new States when admitted into the Union are admitted with all of the powers of sovereignty and jurisdiction which pertain to the original States, and such powers may not be "constitutionally diminished, impaired, or shorn away by any conditions, compacts, or stipulations embraced in the act under which the new State came into the Union, which would not be valid and effectual if the subject of congressional legislation after admission." (*Coyle v. Oklahoma*, 221 U. S. 559, 573.) Construed as merely a reservation of the public lands, subject to the disposition of the United States, the said reservation is undoubtedly within the powers of Congress. Construed as an attempt to deprive the new State of the right to control the beds of navigable streams for the public benefit of the State, it clearly deprives the new State of that "equality of constitutional right and power" which is "the condition of all States of the Union, old and new." (*Coyle v. Oklahoma*, 221 U. S. 575.)

In the case of *Pollard v. Hagan* (3 Howard, 219) it was intimated that the United States had no power to dispose of lands under navigable waters, but must hold them in trust for the future State. This was later modified in *Goodtitle v. Kibbe* (9 Howard, 471) and in *Shively v. Bowlby* (152 U. S. 1), the rule was declared that "Congress has the power to make grants of lands below high-water mark of navigable waters in any Territory of the United States whenever it becomes necessary to do so in order to perform international obligations or to effect the improvement of such lands for the promotion and convenience of commerce with foreign nations and among the several States, or to carry out public purposes appropriate to the objects for which the United States hold the territory."

This rule was again considered by the Supreme Court of the United States in a case arising in Oklahoma, involving a conflict between a grant by the United States of the bed of a portion of the Arkansas River to the Osage Indians before the admission of Oklahoma as a State, and certain oil leases made by the State of Oklahoma under the claim that the Arkansas River was a navigable river and the State the owner of the bed thereof. Chief Justice Taft, after stating the rule laid down in *Shively* against *Bowlby*, supra, says:

"If the Arkansas River were navigable in fact at the locus in quo, the unrestricted power of the United States when exclusive sovereign to part with the bed of such a stream for any purpose asserted by the

circuit court of appeals would be before us for consideration. If that could not be sustained, a second question would arise whether vesting ownership of the river bed in the Osages was for "a public purpose appropriate to the objects for which the United States hold territory." (Brewer *Elliot Co. v. United States*, 67 Law Ed. 145.)

It seems clear that even if the question thus left open by Chief Justice Taft were decided in favor of the unrestricted power of the United States to dispose of such lands before the admission of the State, under the rule laid down in *Coyle against Oklahoma*, supra, the power of the United States to reserve to itself the title to lands under navigable water by a provision in an enabling act could be exercised only for a purpose which would be a proper subject of congressional legislation after admission. Thus, Congress might, perhaps, have reserved the lands within the bed of the Colorado River for the purpose of maintaining the navigability of the river, for the purpose of building bridges for post roads over the same, or even for purposes of flood control or the reclamation of arid lands, but the reservation in question is plainly for the purpose of producing and transmitting power. The production and transmission of power is not a function vested in the Federal Government by the Constitution. The Federal water power act, the Swing-Johnson bill, and other similar acts recognize this fact by being so drawn as to bring the same within some of the recognized powers of the Federal Government, with the production of power as an incident.

We desire to call attention to the fact that this opinion does not attempt to solve the Colorado River problem. It leaves untouched many legal questions.

The purpose of this opinion is limited to making it clear that the State of Arizona has the same rights in the Colorado River, including the land under it, as have the other States through which it flows, and the same rights in the Colorado River, including the land under it, as have other States in similar rivers which flow through them. If this proposition is accepted, it follows: (a) That the State of Arizona may negotiate with the other States with reference to the Colorado River on an equality and (b) that the State of Arizona may properly urge Senators and Representatives of other States to oppose the Swing-Johnson bill or any other bill that disregards the rights of Arizona in the Colorado River, upon the ground that the passage of such act will establish a precedent extremely dangerous to other States.

Very truly yours,

KIRBEY, BENNETT, GUST, SMITH & LYMAN,
By J. L. GUST.

Mr. President, the State of California is the agency demanding this legislation, and California is a State which, as I have heretofore said, contributes no water to the Colorado River, yet demands 37 per cent of the water thereof; a State which contains but 2 per cent of the area of the Colorado River Basin, and demands all but an insignificant fraction of the electrical energy proposed to be developed by this bill; and to crown the summit of audacity, California assumes no risk whatever under this bill.

The bill proposes to authorize an appropriation of \$125,000,000, to be expended as follows:

Estimated cost of the dam	\$41,500,000
Estimated cost of the canal	31,000,000
Estimated cost of the power plant	31,500,000
Estimated interest during construction	21,000,000
Total expenditure	125,000,000

I now read copious excerpts from the statement of Representative HAYDEN, of Arizona before the Committee on Rules of the House of Representatives on January 21, 1927, opposing the Swing bill, a companion of the pending bill.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RULES,
Friday, January 21, 1927.

The committee met at 10 o'clock a. m., Hon. Theodore Burton presiding.

STATEMENT OF HON. CARL HAYDEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

Mr. HAYDEN. Mr. Chairman and gentlemen of the committee, I appear in opposition to the rule and in opposition to the Swing bill, H. R. 9826, which would be made in order under the rule. The rule proposes to bring a vote on this measure in the House after only four hours of general debate. I object to the bill because its primary purpose is to force the settlement of a controversy between States. It is proposed to use the power of Federal Government to give one State an advantage of her sister States.

THE POWER PLANT

So, first, there is to be a dam; and the next proposal in the bill is the construction of a power plant. The bill reads as follows in that respect:

"also to construct and equip, operate, and maintain, at or near said dam, and within a State which has approved the Colorado compact hereinafter mentioned, a complete plant and incidental structures suitable for the fullest economical development of electrical energy from the water discharged from said reservoir."

I direct your attention particularly to the words "and within a State which has approved the Colorado River compact."

The dam is to be located on the Colorado River, where it forms the common boundary between the States of Arizona and Nevada. Arizona has not approved the Colorado River compact, and the intent and purpose of these words is that the power plant shall not be constructed in the State of Arizona, but in the State of Nevada, which has approved the compact.

The proposed power plant is to produce, according to the majority report, 550,000 firm or constant horsepower, or 1,000,000 horsepower on a 55 per cent load factor. That is not quite three times the firm horsepower produced by the Wilson Dam at Muscle Shoals. The cost of this power plant is to be \$31,500,000, and it is to produce an estimated revenue of \$10,800,000 a year. That revenue is to be obtained by contracts which the Secretary of the Interior is authorized to make. To quote the exact language:

"The Secretary of the Interior shall make provision for revenues, by contract or otherwise."

And then the bill says that—

"Contracts for the sale and delivery of electrical energy shall be made with responsible applicants therefor, who will pay the price fixed by the said Secretary."

In that respect this bill repeals the Federal water power act. This is to be a Government dam; and if nothing was said in the bill as to what should be done with the power to be produced, automatically the Federal Power Commission would assume jurisdiction over the disposition of the power. When the Federal Government constructs a dam for navigation, that being the paramount purpose, the dam is operated by the Secretary of War for navigation, but any power must be disposed of by the Federal Power Commission.

FEDERAL WATER POWER ACT RECOMMENDED

I favor an amendment to this bill to make the Federal water power act applicable to the Boulder Canyon dam. I have supported such an amendment after listening to four members of the President's Cabinet who appeared before the Committee on Irrigation and Reclamation and advocated that policy. Secretary Weeks, Secretary Work, and Secretary Wallace appeared before our committee not only in person but by a joint letter in writing, recommended that any legislation authorizing the construction of a dam at Boulder Canyon should provide that the Federal water power act shall operate there. They all opposed its being taken out from under the water power act by a special law. In addition, Secretary Hoover appeared before the committee and testified to the same effect.

When four Cabinet members calmly passed upon this issue and advocated that the Federal water power act should apply to this dam I agreed with them and have not changed my opinion in any respect since. That was the sound and sensible conclusion which all four of them presented to the Committee on Irrigation and Reclamation.

Mr. SMITH. I only want to suggest that that commitment was made two and a half years ago, when the legislation was first brought before the committee. Since then Secretary Work has taken the opposite view, as indicated in his report to the committee.

Mr. HAYDEN. I think that of all the members of the Cabinet the one who knows the most about the Colorado River is Mr. Hoover. It was less than a year ago, on March 3, 1926, when Secretary Hoover testified as follows:

"That it is desirable to provide that the Federal Power Commission should make the division of power entirely under the water power act, including the whole of the act. The licenses should, of course, be issued subject to the approval of the Secretary of the Interior in order to secure the financial arrangements which would bring to him the necessary revenue to carry the necessary amortization and interest on bond issues. * * * I think Congress ought to maintain the national policies laid down in the water power act."

That is Secretary Hoover's recommendation, and when I read to him the recommendations made by the three other Secretaries to which Mr. LEATHERWOOD has referred, he concurred therein.

Mr. RAMSEYER. Was he talking about this particular dam?

Mr. HAYDEN. Secretary Hoover was talking about the Boulder Canyon dam provided for in this particular bill, which was later reported to the House by the Committee on Irrigation and Reclamation.

Mr. RAMSEYER. What he is recommending is that after the dam is built the Federal Power Commission should be given authority to allocate the power; is that it?

Mr. HAYDEN. That is it exactly, and that is what Mr. LEATHERWOOD proposed in his amendments to the bill.

REFERENCE TO STATES AND MUNICIPALITIES

I was a member of the committee which reported the Federal water power act to the House. It is a good law. It lays down a general water-power policy for the United States. In that act preference is

guaranteed to States and municipalities where applications are made for power, so that, other things being equal, the public rather than private enterprise gets the benefit. I believe in that policy. I can see no reason why the Boulder Canyon dam should be taken out from under that general act.

Mr. RAMSEYER. If this bill were enacted into law, then the Secretary of the Interior would have that power instead of the Federal Water Power Commission?

Mr. HAYDEN. Yes. The bill attempts to provide that the Secretary of the Interior shall act and proceed as though he were the Federal Water Power Commission. We have had Secretaries of the Interior whom we could trust, and we have also had Secretaries who could not be trusted. I prefer the general law, which provides that three members of the Cabinet shall pass on all applications for water-power permits.

Mr. RAMSEYER. These warnings as to Secretaries apply to the present and to the future, do they?

Mr. HAYDEN. I have the highest respect for the present Secretary of the Interior, but we do not know that he will be Secretary when the provisions of this bill are administered.

When the power plant at Boulder Canyon is built and when the contracts are made to obtain \$10,500,000 of revenue from the sale of 550,000 firm horsepower, the United States will be obligated to the consumers of that power for its delivery. That means power available to the consumers 24 hours a day every day in the year. The Federal Government will be required to deliver that power to them by formal contract. Therefore the power must be produced and to produce it water must pass out of the dam, which means a continuous flow of water from the Boulder Canyon reservoir into the Colorado River below the dam.

What is going to become of that water? In the first place, we should know about how much there will be of it. According to this unpublished report of the United States Reclamation Service, made in February, 1924, it is estimated that there will be available for diversion below the Boulder Canyon dam 9,341,000 acre-feet of water each year. In 1925 the United States Geological Survey made a report, Water Supply Paper No. 556, on water power and flood control on the Colorado River, which states that 9,593,000 acre-feet will be available for irrigation below Boulder Canyon. Let us, for convenience, say nine and a half million acre-feet. There will be nine and a half million acre-feet of water available for use for irrigation after it has produced power at the Boulder Canyon dam.

Where is that water to be used? The bill says that the Secretary of the Interior is to construct a main canal and appurtenant structures located entirely within the United States connecting the Laguna Dam with the Imperial and Coachella Valleys in California.

Mr. BURTON. Where is the Laguna Dam?

Mr. HAYDEN. I had best point that out on the map. Here [indicating] is Boulder Canyon. The water, after passing out of the power plants, will flow down the Colorado River some 300 miles to the Laguna Dam, just north of Yuma, Ariz. The Laguna Dam was completed by the United States Reclamation Service in 1909 to divert water from the Colorado River for the use of the Yuma reclamation project.

PROPOSED ALL-AMERICAN CANAL

It is proposed to build an all-American canal to cost, according to the majority report, \$31,000,000 to convey water from the Colorado River at Laguna Dam into the Imperial Valley for the irrigation of lands in that valley and the Coachella Valley which lies north of the Salton Sea. That canal is to be wholly within the United States. In order to keep it within the United States it is necessary to pass through a range of shifting sand hills [indicating on map], and there is good engineering authority to say that a canal of the capacity necessary to convey the quantity of water needed for the irrigation of those lands can not be constructed for \$31,000,000 through that kind of country.

Mr. BURTON. What is the maximum elevation produced by that canal?

Mr. HAYDEN. I do not remember the details, but I do know that it is a country of shifting sand, and there is not only the question of constructing the canal through the dunes, but its maintenance afterwards in order to prevent its being filled with the wind-blown sand.

The report of the Reclamation Service engineers states that there can be irrigated from the proposed all-American canal 785,000 acres of land in the Imperial and Coachella Valleys. About 400,000 acres are now, under the existing canal system, supplied with water, and about 385,000 acres of new land will be irrigated. That is all the bill does. It stops right there. It provides for the construction of an all-American canal for the irrigation of 785,000 acres of land in California. The Reclamation Service report states that such land will require $4\frac{1}{2}$ acre-feet of water per acre. Multiplying 785,000 acres by that figure we get 3,533,000 acre-feet of water per annum that will be required for the California lands under the all-American canal.

Mr. GARRETT. How does the land through which this proposed all-American canal would pass compare to that through which the present canal in Mexico passes?

Mr. HAYDEN. The present canal begins about a mile above the international line, crosses the Mexican boundary and follows the old channel

of the Alamo River around the end of the sand-dune country—completely evades it. The water is then conveyed back into the United States.

I want this committee to consider the bill and the bill alone, just as it stands. There is to be available approximately nine and a half million acre-feet of water, flowing from the Boulder Canyon reservoir, but the bill provides for the use of only about three and a half million acre-feet. So there will be 6,000,000 acre-feet of water that will be available every year about which the bill is absolutely silent. No provision of any kind is made for its use.

WATER FOR DOMESTIC USE

What is to become of that 6,000,000 acre-feet of water? We are told in the majority report that the city of Los Angeles hopes to obtain about 1,500 second-feet, which is equivalent to about 1,100,000 acre-feet, of water from the Colorado River for domestic use. It will cost, perhaps, a quarter of a billion dollars to convey that water 250 miles over a mountain range to the city of Los Angeles.

Mr. MICHENER. Who pays that?

Mr. HAYDEN. The city of Los Angeles, I presume. It will take about 250,000 firm horsepower perpetually to pump that water into Los Angeles. That is a serious undertaking, and, in my judgment, it will never be accomplished.

Mr. MICHENER. Did you say a quarter of a billion?

Mr. HAYDEN. Yes; about \$250,000,000. The city of Los Angeles, as stated in my minority report, can obtain a better quality of water wholly within the State of California from the Sierra Nevada Mountains.

Mr. MICHENER. Why, then, is Los Angeles wanting this?

Mr. HAYDEN. I have always believed that this scheme to secure domestic water from the Colorado River was an alternative proposed in the interest of certain condemnation suits in the State of California whereby the city of Los Angeles seeks to acquire water rights in the Owens River and the Mono Basin.

Mr. MICHENER. You would think, then, that if this becomes a law they will have a leverage whereby they can get cheaper water somewhere else, and will not take this?

Mr. HAYDEN. That is my opinion, and I have good engineering authority to justify it. My minority report goes into detail, showing the hardness of the water and the difficulty of obtaining it from the Colorado River, and that a better quality of water can be obtained at less cost in California.

But supposing that Los Angeles and the other municipalities of southern California do take 1,100,000 acre-feet of water from the Colorado River. There are now under irrigation in the Yuma project, the Palo Verde Valley, and near Parker approximately 100,000 acres of land, which will require about 400,000 acre-feet of water. With the 1,100,000 acre-feet that Los Angeles may use, and the 400,000 acre-feet that will be used by existing canals, we have nearly one million and a half acre-feet accounted for. That leaves four and one-half million acre-feet still in the Colorado River, and no provision made in the bill as to where that water is to go.

I can tell you where it will go—into the Republic of Mexico, to irrigate approximately 1,000,000 acres of land.

Mr. RAMSEYER. Does it not go there now?

Mr. HAYDEN. In floods; yes. But the Boulder Canyon dam will equate the flow of the Colorado River.

Mr. RAMSEYER. In other words, Mexico will get regulated flow then.

IRRIGABLE LANDS IN MEXICO

Mr. HAYDEN. Yes. There is now under irrigation in Mexico about 200,000 acres of land, and that takes about half of the minimum flow of the stream. There is no immediate prospect of any great increase in the irrigated area either in Mexico or in the Imperial Valley of California until the Colorado River is equated. When that is done there will then, according to this bill, be placed under irrigation 785,000 acres in the United States and water provided for a million more acres of land in Mexico. There are a million acres of irrigable land in Mexico, according to this unpublished report of the United States Reclamation Service which I hold in my hand.

Mr. BURTON. How about land in Arizona not yet utilized? Would water be available for that?

Mr. HAYDEN. That is what the State of Arizona would like to see done.

Mr. BURTON. How much land is there in Arizona that would ultimately be utilized?

Mr. HAYDEN. There is more land in the State of Arizona which could be reclaimed than there will ever be water in the Colorado River to irrigate. Land is the thing Arizona has and water is the thing she lacks.

Mr. MICHENER. Are you ready at this time, however, to put the land and the water together?

Mr. HAYDEN. Arizona is not ready to do that at this time.

Mr. MICHENER. In other words, you want this matter to stand in statu quo for a period of probably 50 years, until the country increases in population and you need more farms and industries?

Mr. HAYDEN. That is the point I want to bring out. I can show by this report, made by the United States Reclamation Service, that there are a million acres of level delta land in Lower California, Mexico, of the same kind which exists in the Imperial Valley. When the flow of the Colorado River is equated the Mexican landowners will immediately put the water to beneficial use by applying it to their lands.

The Reclamation Service engineers say that there are under irrigation in Lower California at this time about 200,000 acres, and that immediately after the water is available another 300,000 acres will be irrigated, and that in the near future another 300,000 acres will be reclaimed.

It is not necessary for me to testify as to the kind of people who will occupy the Mexican lands in Lower California. All you have to do is to read the testimony in the hearings before our committee of the gentleman from California, Mr. SWING, as to the Chinese coolies, the Japanese laborers, and the Mexican peons who are now in that country. It is cheap labor of that character with which they grow crops in Mexico. The principal crop produced is cotton. It is a wonderful cotton country. The United States will furnish water to a million acres of Mexican land upon which crops grown by cheap labor will compete with those grown by American farmers. The Delta of the Colorado River in Mexico is the only place, under the terms of this bill, where the water stored at Boulder Canyon can go, and that is just what will happen if this bill becomes a law.

AMERICAN LANDS SHOULD OBTAIN BENEFITS

The people of my State believe that no such thing should be permitted to happen. The people of Arizona insist that if the United States of America is to expend money out of its Treasury for impounding and controlling the waters of the Colorado River, over which we have absolute jurisdiction within the limits of our own country, that the benefits to come from that storage and impounding of waters should go to the people of the United States and not be given away without cost to the owners of land in Mexico.

Mr. BURTON. Is it not probable that the land in Arizona would be utilized as rapidly as the land in Mexico?

Mr. HAYDEN. Unfortunately, no. As the map will indicate, the Delta of the Colorado River is low and level, which makes it easy to apply the water to beneficial use. The lands in Arizona which can be irrigated to any great extent are away from the Colorado River—mesa or bench lands—lands to which it will be more expensive to convey the water from the river. We realize that to carry out a plan of reclamation which would use 4,500,000 acre-feet of water in Arizona is a matter that must be delayed, because the expense of construction is not now justified by the present prices paid for agricultural products. We know that the population of the United States is increasing at the rate of over a million a year. We believe that the Arizona lands will be reclaimed for farms and homes when the pressure of population demands it. What the State of Arizona asks, and has presented to Congress by a memorial passed by its legislature, is that in connection with any legislation enacted for the development of the Colorado River there be included a notice to the Republic of Mexico that we are spending American money on American soil to impound American water, and that the American people intend to obtain all of the benefits that will come from that expenditure.

Mr. RAMSEYER. How would you get that notice to Mexico except through a treaty?

Mr. HAYDEN. By a legislative declaration by Congress.

Mr. RAMSEYER. That would not be binding.

Mr. HAYDEN. I am aware that it would not be binding, but it would be very persuasive. It is the water law of the West, that the initiation of an appropriation—and time is the element—dates back to the original notice of intention to use it. The first in use is the first in right. There is a case in Colorado where an appropriation was dated back 21 years to the time when the first stake was driven into the river bank. Everybody understands that an appropriation can be dated back so long as due diligence is employed.

MEXICO WILL CLAIM WATER RIGHTS

If the bill remains completely silent and no notice is given, the four and a half million acre-feet will flow into Mexico and the Mexican landowners, with perfect propriety, will apply it to their lands. Mexico has the same law that we have—that the first in use is the first in right—and that land will be put in cultivation just as fast as is possible. Then later, when the State of Arizona or any other part of the United States wants to use the water, the Mexicans will say, "You sent this water to us and nothing was said about it. We were the first to apply it to beneficial use. It is ours."

Mr. MICHENER. Is that Mexican land to which you are now referring owned by Mexicans or by Americans?

Mr. HAYDEN. According to the Reclamation Service report, largely by Americans, but there are some national lands of the Republic of Mexico in the Colorado River delta.

Mr. BANKHEAD. Have we any existing treaty with Mexico affecting the amount of water that Mexico shall be entitled to under present conditions?

Mr. HAYDEN. There is no such treaty.

Now, how can the United States prevent Mexico from using this 4,500,000 acre-feet of water? The best way, of course, is by treaty, and such a treaty was once proposed.

Mr. BURTON. Is there not a form of agreement already with Mexico for a division of the water for irrigation?

Mr. HAYDEN. No, sir. All that now exists is a mere concession and not a treaty between the United States and Mexico. Those interested in the development of the Imperial Valley in California organized a Mexican corporation. That Mexican corporation, of which the Imperial Irrigation district now owns all the stock, obtained a concession from the Republic of Mexico permitting the construction of a canal in Mexico for the diversion of water and providing that half the water might be used on Mexican lands.

Mr. BURTON. Half the water that attaches merely to that canal?

Mr. HAYDEN. To that canal only. There was a proposal for a treaty made in about 1910, just before the close of the Diaz régime. Mr. Louis C. Hill was appointed as commissioner for the United States, and he conferred with a Mexican commissioner named Puga. On page 17 of my minority report you will find the tentative agreement then made, the substance of which is as follows:

"(1) Mexico and the United States to abrogate such parts of the treaty of Guadalupe Hidalgo as conflicted.

"(2) The two nations to divide the low-water flow of the Colorado equally between them. (Mexico's share of this would be less than 1,500 second-feet, and hence less than will irrigate the lands in Mexico now irrigated by Colorado River.)

"(3) The United States to build reservoirs if it so desires to impound all the remaining water of Colorado River for the purposes, among others, of irrigating all the land which can be irrigated by Colorado River waters either by gravity or by pumping.

"(4) That Mexico be permitted by paying her pro rata part of the cost of the reservoirs and their operation to have the use of such remaining water as can not be utilized in the United States.

"This was considered by the Mexican representatives as a most fair and friendly proposal.

"It gave to Mexico nothing the United States could use, but at the same time shared with Mexico the storage facilities on the upper river, facilities which do not exist in Mexico."

Mr. BURTON. Do I understand that that took the form of a treaty?

Mr. HAYDEN. It was a tentative agreement for a treaty made by a Mexican and an American representative appointed by the two Governments to negotiate a treaty.

Mr. BURTON. No treaty was negotiated?

Mr. HAYDEN. No treaty was negotiated. A treaty of that kind would be entirely equitable to both countries. But nothing was actually accomplished, and we do not know when any treaty will be made. A treaty is the best way of settling the difficulty, but in the absence of a treaty the people of Arizona insist that notice be given to Mexico as the next best thing that can be done. It is absolutely essential that notice be given in this bill. If that is not done, the Mexican landowners will acquire water rights which the United States will never, by reason of international comity, take away from them.

FLOOD CONTROL

Mr. POU. There is one phase of this matter that I would like to have somebody discuss for a little while. There are two policies, as I understand. One is the policy proposed by this bill to build a dam over 550 feet high to provide water for irrigation purposes and also to provide an enormous amount of electrical energy. Now, at the same time, I understand that the people of the Imperial Valley are in danger of the Colorado River at some time breaking over its banks and inflicting enormous damage. I would like to have somebody discuss what is necessary to prevent that from taking place; that and nothing more. It is the duty of the Government, of course, which is conceded by everybody, to look out after the safety of those people, but it is a controverted fact as to whether or not it is the duty of the Government to provide electrical energy.

Mr. HAYDEN. If all of the delta of the Colorado River were within the United States, the first line of defense against floods would be levees.

Mr. POU. How much of a dam would be necessary to adequately protect the people of that valley?

Mr. HAYDEN. I have stated in my minority report, and I think that opinion is based upon very good engineering evidence, that a dam could be built solely for flood control, for no other purpose, built with an opening in it so that the water could immediately flow out of it, with an appropriation of \$15,000,000 or \$20,000,000. Thirty million dollars would be ample if flood control were the sole object.

Mr. RAMSEYER. Do you mean at the same place?

Mr. HAYDEN. No; it would be at another location farther down the stream. I have never advocated that policy. It appears to me to be an economic waste, just to do the one thing that is necessary for flood control when other benefits might readily be obtained.

Mr. POU. Does it not involve the difference between an appropriation of around \$30,000,000 or \$40,000,000 and a possible appropriation of \$200,000,000?

Mr. HAYDEN. There is no question about that; but I think it would be better not to take a sum of money and spend it on a flood-control project which would be useful for no other purpose. I think it more advisable to take that same sum of money and tender it to a water-power authority or some agency that the Government may designate and let the Federal contribution for flood control be put into a scheme that will pay.

Mr. POW. Pardon this question, but would it not be possible, in order to protect them against the possible overflow of the Colorado River, to start out with an appropriation of, say, whatever was necessary, \$30,000,000 or \$35,000,000—and I have heard \$14,000,000 given as the sum necessary—and start out in such a way that that appropriation would not be a waste if, later on, the Government decided to carry out a larger project?

Mr. HAYDEN. That might be a very desirable way of going about it.

A SERIOUS INTERNATIONAL SITUATION

I desire to impress upon the committee that the most serious objection to this bill is the international situation which will arise if it is enacted. If this bill becomes a law, the United States of America will lose a million acres of irrigated land. That much American land must remain a desert if a million acres in Mexico is irrigated. Is the Congress, by its silence, as this bill is silent, going to allow that to take place?

Mr. RAMSEYER. Is that your main objection?

Mr. HAYDEN. That is the most serious objection I have to the bill.

Mr. RAMSEYER. I am very much interested in knowing just what the primary objection of the State of Arizona is. Utah has withdrawn recently, and, if I understand its Representatives correctly, they are ready to back in as soon as Arizona gets in, provided California comes out and approves the project without a reservation.

Mr. HAYDEN. I shall discuss the differences between California and Arizona in detail.

Mr. RAMSEYER. I would be very much interested if you will tell us on just what conditions Arizona will come in.

Mr. HAYDEN. The four States of the upper basin—namely, Utah, New Mexico, Colorado, and Wyoming—will never consent to the enactment of any legislation for the development of the Colorado River which does not contain in it a guaranty to them for the use of such water as they may need for agricultural purposes in the future. There will never be any such legislation by Congress unless those four States are protected.

Mr. RAMSEYER. What do you refer to, the action of Utah?

Mr. HAYDEN. The attitude of Utah, Wyoming, Colorado, and New Mexico in past years, with respect to the Colorado River, has been that they will not consent to any development until a compact is approved which will take care of their agricultural needs. Arizona sympathizes with them in that view. They are entitled to that protection, and we would be glad to give it to them.

Against whom do the upper basin States need the protection? It is California. California is the only State that now proposes to undertake any large agricultural development through the aid of the Federal Government by the enactment of this bill.

ARIZONA ENTITLED TO SAME PROTECTION AS UPPER BASIN STATES

Now, the people of Arizona say that if New Mexico, Utah, Colorado, and Wyoming are entitled to protection against the acquisition of prior rights by California, Arizona is also entitled to the same protection. That is all Arizona asks. She asks nothing more than that, and she will never consent to anything less. Arizona has said to the State of California that she demands an equitable division of the waters of the Colorado River. That demand has been presented time and time again at conferences and by commissions. There is now in session in the city of Los Angeles a new commission, established by the Legislatures of the States of Arizona, California, and Nevada.

Mr. RAMSEYER. The lower basin States?

Mr. HAYDEN. Yes. Through its legislature the State of Arizona made this fair proposal: That the State of Nevada, which has very little irrigable land, may have such water as it desires, and that the States of California and Arizona shall equally divide the remainder of the water in the Colorado River. That is the offer Arizona made to California. There is nothing unfair about it. Each State would then use the water allocated to it as it saw fit.

Mr. MICHENER. The real trouble is that California is now ready to use the water and, if this proposition goes through, will immediately appropriate the water. Your State is in position where it will not be ready to use the water for possibly 50 years, assuming your population increases, and the real trouble is that California wants relief now, and you want the matter held in abeyance until such time as that country will have grown to such an extent where you will want the water.

Mr. HAYDEN. Arizona is perfectly willing to agree with the State of California that she may take her share of the water as agreed upon by a division among the States and use it immediately. We have no objection to that.

Mr. RAMSEYER. If that were done and you were guaranteed your part of the water, of course you could not use it now. That water

would immediately proceed to go down through Mexico, and what would prevent Mexico from appropriating water other than a limitation of acreage?

Mr. HAYDEN. The best way to obtain that protection would be by treaty. In the absence of treaty, then let the Congress of the United States serve notice on Mexico by declaring an intention to use the water on American soil.

Mr. RAMSEYER. Do you think the possibilities in Arizona are there for it ever to appropriate as much water as California can use?

Mr. HAYDEN. There is more land in Arizona than there is in California which might be irrigated from the Colorado River.

Mr. MICHENER. Yes; but at an additional cost. In other words, your land is bench land. California can use a lot of this water by the method of gravitation, but you must pump that water.

Mr. HAYDEN. Arizona is willing to give California one-half of the water in the Colorado River. There should be no quarrel between Arizona and California about the quantity of water each State is to receive.

NEW LANDS TO BE RECLAIMED

This bill immediately creates a controversy between Arizona and Mexico. This bill gives California all the hydroelectric power she needs and all the water she needs for her Imperial Valley lands. The bill is silent about the rest of the water which will go to Mexico and a million acres in my State will never be irrigated. I submit to any fair-minded man that when the State of Arizona offers to divide equally with the State of California, each to put the water to use on new lands, to reclaim new areas from the desert, that one State has as much right to ask for water as the other.

It is not a question of recognizing a vested right but the opportunity to apply water to new lands and bring them under cultivation.

Mr. BURTON. What is your practical suggestion as to how that will be accomplished?

Mr. HAYDEN. By an agreement or compact between the States. But the State of California, believing that this bill will be enacted by Congress and thereby she will secure the benefits from the Boulder Canyon dam and the all-American canal and all the other water she desires, will not agree with Arizona on a division of water.

Mr. MICHENER. Assuming that you all agreed and we proceeded to authorize this rule and legislation was passed, the dam constructed and California immediately appropriated the water to which it was entitled under the agreement, what would become of the rest of the water that you expect to use 50 years from now unless you had a treaty with Mexico?

Mr. HAYDEN. That is why we say that notice to Mexico is absolutely vital.

Mr. MICHENER. There is not just a question of agreement between the States involved; there is also the question of treaty. You must have your treaty to save your water from appropriation in Mexico.

Mr. HAYDEN. That is correct.

Mr. MICHENER. Before you have your agreement.

Mr. HAYDEN. But while Arizona will not be as well protected by notice as she would be by a treaty—

Mr. MICHENER (interposing). Suppose that Congress should give notice to Mexico that at some time in the dim and distant future we expect to appropriate water out of the Colorado River to irrigate bench lands, to be used only in case pumps are used.

Mr. HAYDEN. I think that notice to Mexico would be most valuable. Under international law, a nation is sovereign over all the waters within its own jurisdiction. You will find a very complete statement of the international law relating to rivers in an opinion written by Judson Harmon on December 12, 1895, who was Attorney General in President Cleveland's Cabinet. The Mexican Government made a claim for \$35,000,000 damages because certain lands in Mexico had been deprived of water. Mr. Harmon held that the United States or its citizens had a perfect right to use all of the water in the Rio Grande River, and that Mexico had no valid claim.

Mr. BURTON. Without expressing any opinion, I may say that that opinion of Judson Harmon has been criticized by writers of international law.

Mr. HAYDEN. What later happened on the Rio Grande is that when the United States Government built the Elephant Butte Dam above El Paso a treaty was made with Mexico, granting to that country some surplus water, as a matter of international comity. And I do not believe that once the Mexican lands in lower California are placed under cultivation they will ever be dried up. Under existing international law the United States has a right to use all of the water in the Colorado River. Congress should declare our intention to use it and we ought to fortify our claim to it by a proper allocation of water to the State of Arizona.

Mr. RAMSEYER. Would Arizona be ready to go along and get into the compact and join in this resolution if she could amicably come to terms with California and the Congress would serve notice on Mexico in this bill as indicated by you?

Mr. HAYDEN. There is, first, the question of water, which the State of Arizona is willing to settle with the State of California on a 50-50 basis.

ARIZONA AND NEVADA ASK COMPENSATION IN LIEU OF TAXES

There is only one other difference between the two States. The people of Arizona prefer that this dam or any other similar dam built on the Colorado River should be under public rather than private control. If the Federal Government does build a dam as proposed in this bill, what benefits will the States of Arizona and Nevada obtain? Forty-one million dollars will be spent at Boulder Canyon. There will be two little boom towns on each bank of the Colorado River during the period of construction. Then the workmen will go away and the money paid for wages will be spent. The power will be transmitted over into California, where, we are told by the Hearst newspapers, it will promptly add a million to the population of that State and ten or twelve billions to its wealth.

The State of Arizona says that if the Federal Government is to engage in the business of generating power, a sum equal to the taxes which would be paid if the same site were owned and developed by private enterprise should be paid to each of the States. They reason by analogy in making this request, for, in the case of the national forests where the timber can not be taxed, the Federal Government pays to the States 35 per cent of the gross receipts. In the case of coal, oil, and gas on the public domain, 37½ per cent of the income goes to the State, and the same is true of any Federal income under the water power act.

Then there is a further reason. The Federal Government is now collecting income tax from the employees of cities engaged in the business of selling water, light, and power because such municipal activities have been held to be not a governmental function. I have here some letters discussing that issue which I shall include in the record. I wrote to the Commissioner of Internal Revenue two years ago, and among the other precedents he referred to the decision of the Supreme Court of the United States in the case of South Carolina against the United States (199 U. S. 437). When that State went into the liquor business and maintained dispensaries, South Carolina claimed that as a State it was not required to pay the Federal revenue tax, but the Supreme Court said that the operation of dispensaries was not a governmental function, and therefore the State must pay the internal revenue tax on intoxicating liquor. The court held that otherwise the State might go into every kind of business and thereby deprive the Federal Government of all its revenues. If it can be held by a bureau of the Federal Government that the sale of water and the production of power and light by municipalities are not governmental functions, and therefore the Federal Government can tax income from that source, then the rule should work the other way. If the Federal Government engages in the manufacture of hydroelectric power within a State, that not being a governmental function, the State should be entitled to taxes on the site, the dam, and the power plant.

ARIZONA, CALIFORNIA, AND NEVADA ONLY STATES CONCERNED

What shall be paid in lieu of taxes upon power developed on the Colorado River is a question to be settled by the States of Arizona, California, and Nevada. If the State of California, where the power is to be used, agrees with the States of Arizona and Nevada upon some reasonable compensation in lieu of taxes, Congress should consent to the agreement, because the payments to be made are not a matter of the least concern to the Federal Government.

Mr. RAMSEYER. How long have these commissioners of the lower-basin States been in session?

Mr. HAYDEN. The Governor of Arizona took the first step toward the appointment of commissioners nearly three years ago, but the Governor of California would not appoint anybody. Over a year ago when the commissioners from the three States first met, the Californians opened the negotiations with an ultimatum which said, in effect, "We will get the Boulder Canyon dam, as provided in the Swing-Johnson bill. After that is conceded we will talk to you."

Mr. RAMSEYER. Are they in session now?

Mr. HAYDEN. Yes; in Los Angeles.

Mr. RAMSEYER. Are they making any progress?

Mr. HAYDEN. I think they are. California first asked for three-fourths of the water of the river, but Arizona insists that it should be divided equally.

Mr. RAMSEYER. The Arizona commissioner has not come down any from the 50 per cent proposal?

Mr. HAYDEN. The negotiations are still going on. Arizona has offered to divide the water equally in the main stream of the Colorado River, and California now wants two-thirds of it.

On the question of power, California has offered to pay \$1 a horsepower a year, admitting the principle that something should be paid in lieu of taxes, but the State of Arizona says that the payment should be equivalent to the average taxes paid on other property in the State.

Mr. GARRETT. How much of the Colorado River Basin is in California?

Mr. HAYDEN. About 2 per cent. California contributes no water to the stream at all, except some torrential rains from sand washes. California contributes less water than any other State in the Colorado River Basin.

Mr. BANKHEAD. I must confess that my chief interest in this whole proposition now is based on the question of relieving the danger that the people of the Imperial Valley are in from possible inundation.

Mr. HAYDEN. That danger is no graver menace to the people of the Imperial Valley than it is to the people of the Yuma Valley in my State.

Mr. BANKHEAD. Conceding that menace, I want to ask this question: Have you in your mind any alternative legislation which you can offer at the present time?

Mr. HAYDEN. I have said to my people, and I say to this committee that this is not an issue which can be disposed of by Congress alone. The place to begin is by an agreement among the States. If the States of California, Arizona, and Nevada get together and settle their differences, then there will be no difficulty in securing a seven-State agreement. All the States can then come to Congress to secure the approval of a plan of development which has their united support. Under the plea of flood control, this bill provides for an enormous power development and a great irrigation scheme, all coupled together and all for the benefit of California. There is nothing in this bill which provides for the irrigation of 1 acre of land in Arizona or in any other State; only in California, and the great bulk of the power bill will go to California. It is nothing but a California measure.

Mr. RAMSEYER. The result of your contention is that unless all of the States can agree upon the terms of a compact affecting all of the equations involved, that Congress should not attempt to legislate?

ONLY TWO WAYS TO SETTLE THE CONTROVERSY

Mr. HAYDEN. There are only two ways in which this controversy can be settled. Either the States can agree upon an equitable apportionment of waters of the Colorado River or, in the absence of a compact, the Supreme Court of the United States can determine what the rights of the various States are in and to that stream.

Mr. MICHENER. Do you not think that you could simplify matters here by having your State ratify the compact conditionally, as California has, and stating just what you will insist upon before you agree to a ratification of the compact?

Mr. HAYDEN. That is just what the Arizona Legislature did two years ago.

Mr. MICHENER. That has been done?

Mr. HAYDEN. Yes; and California would not accept the proposal.

Mr. MICHENER. Why have you not ratified it just as much as California has?

Mr. HAYDEN. In a sense Arizona has. The Legislature of the State of Arizona up to this time had never taken any positive action rejecting the Colorado River compact. It may never have approved it, but the first legislature which considered the compact took no action at all and the next one, by a concurrent resolution, approved it conditionally. Arizona has gone as far as California in that regard.

Mr. MICHENER. Did the governor veto that?

Mr. HAYDEN. The Governor of Arizona vetoed the concurrent resolution, but the two houses of the legislature took the action that I have indicated.

IRRIGATED LANDS IN TEXAS

I want to speak frankly to the committee about one phase of the international situation which is at least peculiar. There are certain persons, residents of the State of Texas, urging the passage of this bill for the reason that they believe that impounding the waters of the Colorado River at Boulder Canyon will in some way benefit them by obtaining additional water from Mexico on the lower Rio Grande. All of the watershed of the Colorado River is within the United States, but some of the water is used for irrigation in Mexico. On the lower Rio Grande the water supply comes from Mexican tributaries of that stream and is used to irrigate land in the United States. The people living in the delta of the Rio Grande in Texas with whom I have talked desire certainty as to their water supply. That certainty can only be obtained by treaty with Mexico. Some of them have been led to believe that they can get the benefits of a more favorable treaty if the Boulder Canyon dam is built.

It is my contention that the construction of the Boulder Canyon dam, as provided in this bill, will delay the time when any treaty relating to the boundary waters can be made with Mexico. Without notice of the intention of the United States to use the waters of the Colorado River, the Mexicans have everything to gain by putting water on as much of their land as they can. Therefore they will delay making any kind of a treaty until all of the land in Lower California is under cultivation.

With a notice to Mexico, the burden is promptly transferred to that Republic to make a treaty. Such notice will do more than anything else to bring about a treaty. Nothing is to be gained for anyone in Texas by the passage of this bill in its present form. Upon the contrary, its enactment will positively injure them. This bill should therefore be amended in the following manner:

"That until such time as a treaty between the United States of America and the United States of Mexico providing for an equitable apportionment of the waters of the Colorado River is ratified by the

Governments of both Nations, it is hereby declared to be the policy and purpose of the Government of the United States of America to reserve for use within the boundaries of the United States of America all waters of the Colorado River which may be stored or impounded therein, to the end that the Government of the United States of Mexico, the citizens of that Republic, and the owners of Mexican lands may have direct and timely notice and warning that the use by them of any such waters as may temporarily flow into Mexico shall establish no right, legal or moral, to the continued use of such waters."

CONGRESS CAN NOT APPORTION WATERS

Now, let me conclude, gentlemen, because I have taken much more time than I intended. I wanted to make it perfectly clear to you that the objections which the State of Arizona has to the enactment of this legislation can not be cured by Congress or by amendment to the bill. Arizona denies that it is within the power of Congress to apportion the waters of an interstate stream among the States. The States themselves must do that by agreement, or it must be done by the Supreme Court of the United States. The withdrawal of the State of Utah from the six-State compact merely emphasizes the position of Arizona that the Federal Government and any three States or four States or six States can not apportion the waters of the Colorado River. Nor can anything less than all of the seven States apportion the water in which they are all interested.

Arizona believes that the State of Utah acted wisely when it withdrew from the six-State compact. The only way that the State of Utah can be completely protected is by a seven-State agreement; that is the only way in which her agricultural future can be assured. Any act of Congress providing that Utah shall have so much water and Arizona so much and California so much is void. The attempt made in this bill to approve a six-State compact, or a five-State compact as its proponents are now suggesting, would be without effect. Any such act of Congress would be vain and futile. Arizona insists that the only real protection which all the States can secure is for them all to be in accord. There is no other way out.

ARIZONA MUST PROTECT HER FUTURE

The State of Arizona asks nothing unreasonable, asks nothing unfair. As the record now stands, everything Arizona seeks should be granted to her. The reason why Arizona and California have not come to an accord is that the people of California have been led to believe that the Congress of the United States would enact this legislation which gives them all that they seek without the necessity of any agreement with Arizona. So long as they believe that, there will be no agreement. Whenever those in authority in California are convinced that they can not come to Congress and obtain all that they demand they will be more just and reasonable with the other States. Arizona asks here to-day that Congress shall not throw into balance which weighs this interstate controversy the power and authority of the Federal Government for the sole benefit of the State of California.

The State of Arizona intends to protect her agricultural future, and that future depends entirely upon water. If this bill is enacted, the waters of the Colorado River, which otherwise would be used by Arizona, will go into Mexico. The State of Arizona can do nothing but fight with every ounce of energy she possesses against that evil consequence.

Arizona regrets to take that action, but she will be compelled to defend her rights with respect to the Colorado River by bringing proceedings in the Supreme Court of the United States. She will use every known means to delay the construction of any dam, the building of any works the effect of which is to deprive the State of Arizona of its fair and proportionate use of the waters of the Colorado River. Arizona will have to do that; there is nothing else for my State to do.

CALIFORNIA CAN AFFORD TO BE LIBERAL

Why place Arizona in that position? A great State like California is rich enough not to need all the benefits she is demanding from the Colorado River. The lower Colorado River Basin is an economic unit. It is but a night's ride by railroad train from Phoenix to Los Angeles, and people frequently make the trip by automobile in a day. If Arizona prospers, it will be sure to benefit one of the great cities of the world. The coming metropolis at Los Angeles will need the crops grown on Arizona's irrigated lands. California can afford not only to be just to Arizona but liberal. There is no necessity for the narrow, selfish attitude that California—and California alone—shall get all the benefit of congressional action on the Colorado River. Arizona rightfully considers the bed of the Colorado River, the water in the river, and the fall of that river to be natural assets of that State, just as much as coal is a natural asset and resource of Alabama and iron ore of Minnesota. Arizona is entitled to compensation for the use of her natural resources, and all that she asks is a reasonable payment in lieu of taxes. Under the present circumstances the Congress of the United States should not act upon this bill, but should make known to the State of California that she can not come here and have a bill forced through which does an injustice to other States.

Mr. RAMSEYER. How much of the land along the Colorado River, where it flows through the State of Arizona and along the boundary of the State of Arizona, is public land?

Mr. HAYDEN. A very large part of it. I would say that 90 per cent of the lands adjoining the Colorado River in Arizona is either in the public domain or in the national park or in Indian reservations, title to which is in the United States. Arizona concedes that the Federal Government has complete control over the public lands. The State of Arizona can not enter upon the public lands to do anything toward the development of that river without the consent of Congress. While the United States has jurisdiction over the public lands, the jurisdiction and control over the water is in the State of Arizona. The State is completely sovereign there and her consent must be likewise obtained before anything can be done.

Mr. RAMSEYER. You do not claim title to the banks and the bed of the river that is on public land?

Mr. HAYDEN. Arizona claims title to the bed wherever the Colorado River is navigable.

Mr. RAMSEYER. Even though the Federal Government owns the land on both banks of the river?

Mr. HAYDEN. Yes; that does not give the United States title to the river bed. While the enabling act admitting Arizona to the Union contained a condition that Arizona would never claim title to public lands, there is nothing in that act which prevented the State of Arizona from acquiring title to the bed of a navigable stream upon its admission into the Union upon an equality with all the other States.

Mr. RAMSEYER. You could not get to the bed, because the Federal Government owns the land.

TWO SOVEREIGN GOVERNMENTS

Mr. HAYDEN. There are two sovereigns to be satisfied. The Federal Government owns the public lands, and nothing can be done without its consent. The State of Arizona has control of the bed of the river and the flowing water, and nothing, likewise, can be done without its consent.

Mr. BANKHEAD. You stated that there are two alternatives, one by agreement among the States and the other by submitting this question of the appropriation of water to the Supreme Court of the United States. For my information, will you tell me what would be the process for initiating an appeal to the Supreme Court of the United States for distribution of these waters among the several States?

Mr. HAYDEN. All that is necessary is for some one State to file an original suit in the Supreme Court of the United States, just as was done in the case of Colorado against Kansas or Colorado against Wyoming.

During the delivery of Mr. ASHURST's speech,

Mr. BLEASE. Mr. President, will the Senator yield to me?

Mr. ASHURST. Yes; for a question.

Mr. BLEASE. Mr. President, I rise to a parliamentary inquiry.

The PRESIDING OFFICER (Mr. CAMERON in the chair). The Senator will state it.

Mr. BLEASE. I demand the presence of a quorum.

Mr. ASHURST. I decline to yield for that purpose.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. LA FOLLETTE. I call for the regular order.

Mr. BLEASE. The Senator has a right to speak twice on his amendment. A demand for a quorum is made now, and a quorum should be present.

Mr. ASHURST. I do not deem that the Senator rises in hostility to my attitude.

Mr. BLEASE. On the contrary, Mr. President, I think the Senator is unconsciously going beyond his own physical ability, and I think it would be a courtesy to him to demand a quorum at this time; and if for any reason a quorum should not be here, it would not take him from the floor.

Mr. LA FOLLETTE. I call for the regular order.

The PRESIDING OFFICER. The Senator has declined to yield.

Mr. ASHURST. I thank the Senator with all my heart.

Mr. ASHURST resumed his speech. After having spoken for some time,

Mr. GOFF. Mr. President, will the Senator yield?

The PRESIDING OFFICER pro tempore. Does the Senator from Arizona yield to the Senator from West Virginia?

Mr. ASHURST. I yield for a question.

Mr. GOFF. Will not the Senator yield for the suggestion of the absence of a quorum?

Mr. ASHURST. Let me say to the able Senator from West Virginia that I believe his suggestion is prompted by a desire to relieve a tense situation here. I occupied the floor for three hours on the 21st opposing this bill, and I have occupied the floor for three hours this morning. In the earlier part of the evening I occupied the floor an hour, and in good faith I yielded to many Senators.

Mr. BLEASE. Mr. President, I move that the Senate take a recess.

Mr. ASHURST. I have not yielded for that purpose.

Mr. BLEASE. I am not asking the Senator to yield.

Mr. GOFF. May I say, in reply to the Senator—

Mr. ASHURST. Let me finish this: Whereupon my courtesy in yielding was later construed as an attempt to take part in some frivolous filibuster; hence I shall not yield for any motion that might cause the Senate to suspect that I am encouraging any frivolous motions.

Mr. GOFF. I merely wanted to suggest, in reply to the Senator, that since I had come here at the hour of 2.30 this morning to hear the distinguished Senator, I was prompted not by either hostility or a desire to filibuster, but I wanted other Senators who had not come here to hear the distinguished Senator from Arizona.

Mr. ASHURST. Many thanks.

Mr. GOFF. Certainly; and I should like to have others come here.

Mr. ASHURST. Let me finish this, Mr. President, and then I will yield.

I have not many supporters on this subject—

Mr. BLEASE. Oh, yes; the Senator has.

Mr. ASHURST. There are not many Senators in this Chamber now who are friendly to my attitude on this bill. Of that I make no complaint. When this contest began several Senators asked questions of me, and whilst I would not resort to the unseemly procedure of calling witnesses, but if it were necessary I could call 40 Senators who would testify that I have always said, "Do not solve this enormously important question on the basis of friendship. Vote your convictions, because this is as important a bill as any you shall ever consider."

I was led to make such replies, partly by my own philosophy and partly by a lesson I learned in the Judiciary Committee of the Senate from the Senator from West Virginia [Mr. GOFF]. A matter arose which might have been of importance to him, but he said, "I want Senators to decide this question on its merits, and to disregard any personal feeling I may have in the matter."

That is the conduct a Senator should pursue. No Senator who is a friend of mine will pay me much of a compliment or pay himself much of a compliment if he votes against this bill because of any friendship for me. It is too large a question to be thus approached. This bill means the life of a State; and Senators will pardon me if I seem at times to speak with asperity. Into the trembling scales here, where we are weighing this vital bill, no consideration for a Senator's feelings or for his political future must be permitted to enter or sway the balances. This bill deals with a region—the Colorado River Basin—richer than that which Pizarro added to the dominions of Charles V, and more splendid than the empire of the Cæsars.

I appreciate more than I am able to express the manifestations of personal sympathy that have been expressed regarding myself upon this subject. I have already said that this contest is not going to diminish the admiration I have always borne for the two California Senators.

Nobody shall lead me into any pasture where I must interrupt the esteem I entertain for them. This is going to be a savage fight. Do not beguile yourselves into the belief that this is going to be a soft-glove affair. This is a fight to a finish, Marquis of Queensberry rules or London prize-ring rules, so far as the genial Presiding Officer and the rules of the Senate permit.

Now, the amendment I have just offered proposes that instead of the site of the dam being located by politicians, a commission of engineers to be appointed by the President of the United States shall locate the dam site. I ask for the yeas and nays on my amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Arizona, and on that question the yeas and nays are demanded.

Mr. BLEASE. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Goff	McMaster	Pittman
Blease	Gould	McNary	Schall
Bratton	Hawes	Mayfield	Sheppard
Cameron	Howell	Moses	Shortridge
Deneen	Johnson	Norris	Stephens
Edwards	Jones, Wash.	Nye	
Ferris	Kendrick	Phipps	
Frazier	La Follette	Pine	

The PRESIDENT pro tempore. Twenty-nine Senators having answered to their names, a quorum is not present.

Mr. BLEASE. Mr. President, I move that the Senate now take a recess.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from South Carolina.

Mr. JOHNSON. I ask for a division.

On a division, the motion was rejected.

The PRESIDENT pro tempore. The clerk will call the roll of the absentees.

The Chief Clerk called the names of the absent Senators, and Mr. ROBINSON of Arkansas answered to his name when called.

The PRESIDENT pro tempore. Thirty Senators having answered to their names, a quorum is not present.

Mr. JOHNSON. I move that the Sergeant at Arms be directed to request the absentees to attend.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from California.

The motion was agreed to.

The PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

Mr. GOFF. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from West Virginia will state it.

Mr. GOFF. Can a minority of the Senate keep the majority of the Senate in session during its absence? I would just like to know. This may be an early hour to ask the question.

The PRESIDENT pro tempore. In view of the manner in which the parliamentary inquiry is propounded, the Chair is inclined to answer in the negative, inasmuch as a minority can not keep the majority in session during the absence of the majority.

Mr. GOFF. Then I will join in the request that the Sergeant at Arms bring in the absent Members of the Senate, in order that they may not only attend this session of the Senate, but that they may appreciate by being present what they have been missing by their absence. [Laughter.]

After a little delay,

Mr. LA FOLLETTE. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Wisconsin will state it.

Mr. LA FOLLETTE. Has the order entered upon the motion of the Senator from West Virginia [Mr. NEELY] been vacated?

The PRESIDENT pro tempore. It has not, and the Chair will supplement that by saying that he has directed the Sergeant at Arms to proceed under that order.

Mr. LA FOLLETTE. Very well, Mr. President; I thank the Chair.

After a little further delay,

Mr. GOFF. Mr. President, may I rise to another parliamentary inquiry?

The PRESIDENT pro tempore. The Senator from West Virginia will state it.

Mr. GOFF. How long, under the rules, must a minority of the Senate remain in session?

The PRESIDENT pro tempore. Until a majority presents itself.

Mr. GOFF. I see. The answer is as indefinite as my inquiry.

At 5 o'clock a. m. Mr. CURTIS entered the Chamber and answered to his name.

At 5 o'clock and 3 minutes a. m. Mr. NEELY entered the Chamber and answered to his name.

Mr. GOFF (at 5.50 o'clock a. m.). Mr. President, may I make a parliamentary inquiry?

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). The Senator will state it.

Mr. GOFF. Is the Senate in session when the floor is vacant?

The PRESIDING OFFICER. The Senate is in session until a motion to adjourn or to recess has been made and carried.

Mr. GOFF. I move that the Senate take a recess.

The PRESIDING OFFICER. The question is upon agreeing to the motion proposed by the Senator from West Virginia.

Mr. JOHNSON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. JONES of Washington. I desire to announce the following general pairs:

The Senator from Pennsylvania [Mr. REED] with the Senator from Delaware [Mr. BAYARD];

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. FLETCHER];

The Senator from Connecticut [Mr. McLEAN] with the Senator from Virginia [Mr. GLASS];

The Senator from Ohio [Mr. WILLIS] with the Senator from Tennessee [Mr. McKELLAR];

The Senator from Wyoming [Mr. WARREN] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Oklahoma [Mr. HARRELD] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Colorado [Mr. MEANS] with the Senator from Virginia [Mr. SWANSON]; and

The Senator from Massachusetts [Mr. GILLET] with the Senator from Alabama [Mr. UNDERWOOD].

I am not advised how any of these Senators would vote on this question if present.

Mr. ROBINSON of Arkansas. Mr. President, I desire to announce that the Senator from Delaware [Mr. BAYARD] is absent from the Senate in attendance on the funeral of former Senator Saulsbury.

The result was announced—yeas 13, nays 17, as follows:

YEAS—13			
Ashurst	Deneen	Moses	Stephens
Blaise	Ferris	Phipps	
Cameron	Goff	Pine	
Curtis	Gould	Robinson, Ark.	
NAYS—17			
Bratton	Jones, Wash.	Neely	Sheppard
Copeland	Kendrick	Norris	Shortridge
Frazier	La Follette	Nye	
Howell	McMaster	Pittman	
Johnson	Mayfield	Schall	
NOT VOTING—65			
Bayard	Gerry	McNary	Steck
Bingham	Gillett	Means	Stewart
Borah	Glass	Metcalf	Swanson
Broussard	Gooding	Norbeck	Trammell
Bruce	Greene	Oddie	Tyson
Capper	Hale	Overman	Underwood
Caraway	Harrell	Pepper	Wadsworth
Conzens	Harris	Ransdell	Walsh, Mass.
Dale	Harrison	Reed, Mo.	Walsh, Mont.
Dill	Hawes	Reed, Pa.	Warren
du Pont	Heflin	Robinson, Ind.	Watson
Edge	Jones, N. Mex.	Sackett	Weller
Edwards	Keyes	Shipstead	Wheeler
Ernst	King	Simmons	Willis
Fess	Lenroot	Smith	
Fletcher	McKellar	Smoot	
George	McLean	Stanfield	

So Mr. Goff's motion was rejected.

Mr. JOHNSON (at 6.25 a. m.). Mr. President, I ask for a report from the Sergeant at Arms under the order of the Senate last made.

The PRESIDING OFFICER (Mr. FRAZIER in the chair). A report from the Sergeant at Arms is requested. The Sergeant at Arms will report under the order of the Senate.

Sergeant at Arms BARRY. I have not been very successful in serving notices under the arrest order. I am now calling on Senators to explain about the second order, which merely directs me to request attendance and I am requesting their attendance. It is thought that in a short time there will be a quorum, because a number of the Senators have answered that they will come to the Senate. As it is getting later in the morning I think that soon they will all answer.

Mr. BORAH was called and told about the order and the request, and he said he understood.

Mr. ERNST said he would come.

Mr. KEYES said he would come.

Mr. METCALF said he would come.

Mr. WADSWORTH is coming.

Mr. DALE, no answer.

Mr. REED of Pennsylvania, no answer.

Mr. STEWART, no answer.

From the others with whom communication was had there was no answer, but as the morning approaches more are answering, as shown by this list of Republican Senators, and it is thought that in a short time a quorum will be present.

At 6 o'clock and 47 minutes a. m. Mr. WADSWORTH entered the Chamber and answered to his name.

At 7 o'clock and 23 minutes a. m. Mr. CAPPER entered the Chamber and answered to his name.

At 7 o'clock and 37 minutes a. m. Mr. ERNST entered the Chamber and answered to his name.

At 7 o'clock and 40 minutes a. m. Mr. RANSDELL entered the Chamber and answered to his name.

At 7 o'clock and 44 minutes a. m. Mr. WALSH of Massachusetts entered the Chamber and answered to his name.

At 7 o'clock and 45 minutes a. m. Mr. WATSON entered the Chamber and answered to his name.

At 7 o'clock and 46 minutes a. m. Mr. WALSH of Montana entered the Chamber and answered to his name.

At 7 o'clock and 47 minutes a. m. Mr. DALE entered the Chamber and answered to his name.

At 7 o'clock and 53 minutes a. m. Mr. HARRELD entered the Chamber and answered to his name.

At 8 o'clock and 9 minutes a. m. Mr. FESS entered the Chamber and answered to his name.

At 8 o'clock and 11 minutes a. m. Mr. SMITH entered the Chamber and answered to his name.

At 8 o'clock and 14 minutes a. m. Mr. GREENE entered the Chamber and answered to his name.

At 8 o'clock and 25 minutes a. m. Mr. HARRISON entered the Chamber and answered to his name.

At 9 o'clock and 5 minutes a. m. Mr. WARREN entered the Chamber and answered to his name.

At 9 o'clock and 7 minutes a. m. Mr. WILLIS entered the Chamber and answered to his name.

At 9 o'clock and 10 minutes a. m. Mr. GOODING, Mr. EDGE, Mr. REED of Pennsylvania, Mr. KEYES, Mr. MCKELLAR, Mr. OVERMAN, and Mr. BINGHAM entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Fifty-five Senators having answered to their names, a quorum is present. The question is on agreeing to the amendment proposed by the Senator from Arizona [Mr. ASHURST] to the amendment of the committee.

Mr. PHIPPS. Mr. President, I understand the pending amendment to Senate bill 3331, as offered by the Senator from Arizona [Mr. ASHURST] to the amendment of the committee, provides for a board of engineers who would be authorized to recommend a place for the location of the proposed dam on the lower Colorado River. That amendment is somewhat similar to the one which I sent to the desk two or three days ago, which was printed, and which provided that the dam be located at Boulder Canyon, Black Canyon, or such other advantageous place as may, in the judgment of the Secretary of the Interior, be found more suitable. I shall advert to that amendment later.

For some time past I have been convinced that a dam should be constructed on the lower reaches of the Colorado River primarily for flood control, and that in the erection of a dam we could well consider the advisability of making it high enough not only to provide the supply of water which might be found necessary for irrigation and domestic uses but at the same time to provide for the development of hydroelectric power which would mean a very large output. In my judgment a market for such power, while not there to-day, would soon come, because there is a growing demand, and I believe California, Arizona, and Nevada can within a reasonable length of time absorb the hydroelectric horsepower which could be produced at a dam of the capacity which has been recommended by the various engineers.

As I have stated, the primary purpose would be flood control. I have endeavored to spend as much time as has been available in the study of the question. I have attended nearly all the hearings of the Senate Committee on Irrigation and Reclamation, and also accompanied the committee on its trip to California, Arizona, and Nevada in the fall of 1925. It is true, as stated by the Senator from Arizona [Mr. ASHURST] that the committee did not find it convenient, because the time was not available, to visit dam sites other than the one at Black Canyon, which is commonly known as Boulder Canyon. The two terms are not exactly synonymous, but the general location is the same, Black Canyon being a little lower down the river than Boulder Canyon proper, I believe.

There are a number of reports of engineers, Government employees, who scouted the river and the entire territory over the past several years, but I have been unable to find any report in which any committee of engineers has agreed in recommending that one certain location on the lower Colorado River would be preferable for the purpose of constructing a high dam over other locations on the stream. In passing, I may say that I have recently introduced a resolution which would provide for an examination along the lines I have just suggested.

Mr. President, I have been in favor of the building of a dam. I think when a dam is built that it should be the high dam which has been suggested. I want to see the construction of that dam commenced as soon as possible and pushed to completion.

But, Mr. President, I think there are questions involved and obstacles in the way which can not be overcome immediately. I believe that a careful examination should be made before the definite location of the dam is decided upon.

I also feel that we should be informed and that the committee should determine what other steps, if any, are necessary for flood control after the dam has been erected and completed, because the damage heretofore has occurred in the Imperial Valley, well down the river. Some injury has occurred at Yuma, but practically all damage has taken place below the outlet of the Gila River, where it joins the Colorado River. It is true that reservoirs, one of which has already been completed and another of which is in course of construction on the Gila River, will in a measure lessen the danger from great floods coming out of the Gila River. That river is essentially a flash stream; that is to say, flood periods come on very suddenly, are very high, and pass very quickly; but it only takes a very short time for the current which comes down the Colorado River in flood stage to cut through the embankments, which are composed of silt.

The secondary use of the water for irrigation and domestic purposes is such as should properly repay the additional ex-

pense required for that use, and, further, the hydroelectric power should be produced at a cost which will enable its sale, after allowing a fair return for the use of the water, so as to repay the extra cost of the high dam, as against the lower one, which could properly be allocated to that use. I believe the demands for water in the lower Colorado River Basin for all of the three uses specified are such as to justify the construction of a high dam, as disclosed in the testimony secured by the House and Senate committees.

One provision of the pending bill to which I seriously object would clothe the Secretary of the Interior with authority to decide whether the hydroelectric plant in connection with the proposed dam shall be built and operated by Federal authorities at an outlay of some \$35,000,000 and the output sold at the switchboard or whether the right to use the water shall be leased to municipalities, corporations, or individuals, in that event the plants to be constructed by private enterprise, the Government to receive a revenue for the use of the water.

Mr. President, I have not endeavored to ascertain the views of any power companies which might possibly be interested, or even those that could not possibly be interested, as to the manner in which they would prefer to contract for the hydroelectric power that might be produced; but it seems to me that their desire would be to have the Government build the plant, thereby securing the current at the switchboard without incurring any risk and without having been put to the expenditure necessary to construct the plant.

It is true that the Government can supply the money at a lower rate of interest than it may be secured by private enterprise, a difference possibly of 1 per cent. But, Mr. President, it seems to me that the power companies should be willing and would be willing to enter into leases giving them the right to use the water and paying on a kilowatt-hour basis for the hydroelectric energy produced in plants which they would themselves erect.

As I say, I have had no communication with them. I did receive a note from an old-time acquaintance of mine, who, I think, is connected with one of the electric railways in New England. At least, he was so associated the last time I knew of his vocations. He said, in effect, that he believed the power companies would be willing to contract and pay for the right to use the water, provided they had a market for the power and provided also that the power would not cost them more than they could secure it for elsewhere.

Mr. President, for myself, from what little insight I have had into the business, merely as an investor, I would say that if I owned or controlled an electrical company that was in position to distribute electric power, hydro or steam, in California or in the region of which we are speaking, personally I would prefer to buy the power at the switchboard just as it is written in this bill.

But I am opposed to that method, as it would take the Government into a producing or manufacturing business. If we are to embark on that course, there is no telling how far we may go in the matter, not to say competing with private enterprise, because largely the districts to be developed are not now provided with power facilities and electrical facilities. Perhaps not in our generation, though probably in the next 50 years, many high dams may be erected on the Colorado River alone, and in every instance the opportunity to produce hydroelectric power will be or should be utilized.

We have in the northwestern section of the country a very large stream, the Columbia River, which is comparable with the Colorado River in many respects, draining a vast territory. An investigation of that stream and of the basin is being made at the present time for the use of water for agricultural purposes, and the first estimate that comes to our committee for the cost of the first dam proposed to be erected on that stream is \$45,000,000, without figuring anything whatever for the hydroelectric plant or a canal to supply with water the lands to be irrigated. That dam would be only one of a series on the river, as I understand.

Then we have the St. Lawrence River project, and there are, no doubt, many others of magnitude; so that if the door is once opened and the precedent established every section in the United States where high dams may be erected will be asking that they be treated in the same way as we treat the Colorado River.

Mr. President, I believe that private enterprise will willingly undertake the erection of the hydroelectric plants. The best evidence of that is the fact that several filings were made on the Colorado River by people backed with ample funds, who would pay for the construction of the dam structures as well as the hydroelectric plants, and that, too, without expecting to derive any benefit from irrigation enterprises.

Throughout our hearings in the West and here in Washington the question was asked repeatedly whether or not the proposed dam could be financed without calling upon the Federal Treasury for funds. The inquiry may not have been stated in those exact terms, but was put in this way, namely, Were those who expressed an interest able to finance themselves? In answer to that question we were repeatedly told they were; and in many instances we were told that municipalities and corporations were prepared and able to finance themselves if the dam could be assured. I would understand that to mean that they would raise the money themselves in the usual form of issuing bonds or in some other manner, but not that they were to make loans from the United States Government or that the Treasury was to advance the money without demanding any obligation for repayment other than a mere verbal promise to pay or a promise to use the structures that might be erected, without guaranteeing in any way that the full amount of the expenditure would be returned. The bill as written leaves that in the judgment of the Secretary of the Interior to determine.

Before passing from that topic, Mr. President, I wish to say for myself that if I felt at any time in voting on any feature of this bill or the bill itself that my personal interest in any way was influencing me or affecting my vote, I should refrain from voting; but as I see it and as I now feel—

Mr. JOHNSON. Mr. President—

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Does the Senator from Colorado yield to the Senator from California?

Mr. PHIPPS. I will ask the Senator to wait a moment until I finish the sentence. As I now feel, when the vote comes on the question of the hydroelectric plants, I shall in all probability be voting against what might be the wishes of the management of a company in which I am interested.

Mr. JOHNSON. What does the Senator mean when he says his "personal interest"?

Mr. PHIPPS. Oh, I think it is well known that I have been a stockholder in a power company that was organized in Denver, Colo., many years ago for the purpose of furnishing power for the mining ventures in Nevada, and which was afterwards extended down into California and became the Nevada-California Electric Co., in which I have a reasonable though not a controlling interest. I am not a member of the board.

Mr. JOHNSON. What is the name of the company, please?

Mr. PHIPPS. The Nevada-California Electric Corporation.

Mr. JOHNSON. Is there any other electric company in which the Senator is interested?

Mr. PHIPPS. That is a holding company. It has subsidiaries, one of which is the Southern Sierras Power Co. in the Imperial Valley. I think it is called there the Imperial Valley Ice Co. or some similar name.

Mr. JOHNSON. Does the Southern Sierras Co. furnish power to southern California?

Mr. PHIPPS. Oh, yes; it furnishes power to the Imperial Valley at the present time.

Mr. JOHNSON. Does the holding company furnish power in Nevada?

Mr. PHIPPS. No. There is another subsidiary there of a somewhat similar name—the Nevada-California Power Co.

Mr. JOHNSON. Is not the Senator its present owner?

Mr. PHIPPS. No; I have no controlling interest and I do not know that I am the largest owner, though I may be.

Mr. JOHNSON. It is a corporation—

Mr. PHIPPS. What does the Senator desire to know? I am glad to have the Senator ask me questions.

Mr. JOHNSON. I am trying to develop what the Senator said.

Mr. PHIPPS. And I am trying to answer the Senator.

Mr. JOHNSON. The Senator from Colorado spoke of his personal interest.

Mr. PHIPPS. Yes.

Mr. JOHNSON. I want to know what that personal interest is in connection with the development of power in the Southwestern section.

Mr. PHIPPS. It lies in the possibility that a company in which I am interested may in some way desire to contract for a portion of the power that may be produced or to join with other companies in the building of a plant or some work that might help to develop and make use of the power that might be produced at the Boulder dam.

Mr. JOHNSON. So that if the Boulder dam project were consummated the Senator's company would be a prospective purchaser or a prospective contractee for power at the Boulder dam?

Mr. PHIPPS. Possibly so.

Mr. JOHNSON. And it is because of the Senator's knowledge of power and power companies, as I understood him, that he says he would not leave the option in the Secretary of the Interior to construct the works.

Mr. PHIPPS. That is correct in a sense; but my reasons are that I think it is too much authority to lodge with any official of the Government, even though he may be the head of a department. The question might be determined during the administration of the present incumbent, or it might be determined by some one not yet named. I intended to touch on that later in my remarks.

Mr. JOHNSON. One other question, and I will not disturb the Senator further.

Mr. PHIPPS. It does not disturb me at all.

Mr. JOHNSON. As I understood the Senator, he stated, from his knowledge of power companies, that power companies would not wish the alternative provision authorizing the Secretary to build?

Mr. PHIPPS. Oh, I do not believe that they would object to that being in the bill. I think their natural inclination would be to endeavor to contract with the Secretary for hydroelectric power at the switchboard instead of leasing the right to use the water, and that it might in that way come to the point where the Secretary would be impressed with the belief that the return to the Government under the alternative plan would be larger by contracting for sale of the hydroelectric power at the switchboard rather than leasing the right to use the water.

Mr. JOHNSON. But I understood the Senator to say, from his knowledge of power companies, that in his opinion power companies would prefer to contract for the water, and the power companies would not desire the alternative provision exercised by the Government.

Mr. PHIPPS. No, no; I said that the power companies would prefer to contract for the delivery of the hydroelectric current at the switchboard, and not to lease the use of the water for power purposes; but I did not mean to intimate that they objected in any way. I have never heard that anyone has objected, on the part of any power company, to having the alternative provision in this bill. I am the one that is objecting to that.

Mr. JOHNSON. Let me ask the Senator which would be more profitable to power companies; to have the alternative provision carried out by the Secretary of the Interior or to lease the water?

Mr. PHIPPS. The question should be stated the other way, I think.

Mr. JOHNSON. State it any way you wish.

Mr. PHIPPS. Stating it the other way, in my judgment, the Government is much better off from every standpoint to lease the right to use the water than it is to undertake the business of erecting hydroelectric plants.

Mr. JOHNSON. The Government is better off doing that?

Mr. PHIPPS. Yes.

Mr. JOHNSON. And the power companies would be better off if the alternative provision were exercised, and the Government built?

Mr. PHIPPS. That would be my personal judgment; but I do not pose as an authority. Since I came to the Senate eight years ago I have had nothing to do with active business. I leave all that to my secretary and my son, who is an able young man. I have not followed the details. I get a statement and look at it, and it goes in the file nine times out of ten.

Mr. JOHNSON. Do the Senator's secretary and son manage, operate, conduct, and control the particular electrical companies of which he has spoken?

Mr. PHIPPS. No; the secretary has nothing whatever to do with them. My son is in the management.

Mr. JOHNSON. He manages the company?

Mr. PHIPPS. No; he does not manage it; but he is one of the members of the board and is an officer of the company; but I do not know that that is a matter that will interest the Senator or the general public.

Mr. JOHNSON. I must disagree with the Senator there. It is extremely interesting from the standpoint of the construction by the Government on the one hand of the power plant, or the leasing of the water without the construction on the other hand. The Senator, if he will pardon me, would be an expert witness on that subject.

Mr. PHIPPS. Oh, no; I could not qualify as such at all.

Mr. JOHNSON. The Senator, I think, is too modest in that regard.

Mr. PHIPPS. I thank the Senator.

Mr. JOHNSON. I think the Senator could say whether the power companies would prefer the one scheme or the other carried out.

Mr. PHIPPS. No, I can not; because, as I said at the outset of my remarks on that topic, I have not been in touch with them. I have not even asked a member of the company of which we have been talking what they would prefer, so I am not informed as to that.

Mr. JOHNSON. Let us take the Senator's knowledge of a concern or corporation such as he formed, and such as his son is one of the managers of at the present time. Would that company, in the Senator's opinion, prefer the construction by the Secretary of the Interior of the works and the leasing of the units of power then, or the leasing of the water merely for the power?

Mr. PHIPPS. That would depend very much on the market for money at the time. It would depend upon a number of things, I should say to the Senator. The main objection that I have is to the Government going into a manufacturing business. I think that the other elements that enter, which a power company would naturally consider, would be that while the Government has, say, a 4 per cent interest rate, the company would hardly expect to borrow on its own bonds for less than 5 per cent, and it could not borrow up to the full amount of the expenditure. There must be a margin. Then comes the question of deciding upon the definite plans; and the power companies, with their trained experts who have grown up in the business or who are paid larger salaries than our Government engineers are paid, are, perhaps, better qualified to say just what machinery should be put in the plant and how it should be designed so as to find the capacity that would be best suited; and then, after the plant is erected, the question of operation and management. Those are elements that all enter into the consideration which a power company would naturally give to a proposition if it were put to them in the alternative.

Mr. JOHNSON. May I assume that here is presented a particular scheme by which there are alternative provisions; and may I ask, with that naked scheme presented by a bill, whether, in the judgment of the Senator, the power companies would prefer the one or the other?

Mr. PHIPPS. That I have tried to answer by saying it would depend upon many elements that the power companies necessarily would have to consider—the question of financing—

Mr. JOHNSON. Let us assume that there was financing that was appropriate: Which would the power company prefer?

Mr. PHIPPS. I can not answer the Senator on that point. I have no information that would qualify me to make a reply to that inquiry.

Mr. JOHNSON. That is all I desired. The Senator is unable to answer it.

Mr. PHIPPS. I refer the Senator to my previous statements. Mr. President, I do not care to give a description of the proposed site at the Black Canyon. I mentioned the fact that I visited it a year and a half ago. I expressed myself at the time as believing that it was an ideal site, perhaps the most attractive site for the purpose of storing water that I had ever seen. I have not seen all of the sites on the Colorado River by any means, and unfortunately I did not see the other sites that have been mentioned by other Senators.

The real problem is flood control; and I think that subject has been fairly well covered by other speakers. I do not care to dwell upon it at length; but I have been convinced for some time that the Government has a duty to provide that control. It has recognized that obligation, I think, by affording to the Yuma enterprise in Arizona funds that have been and are to be expended in protecting the levees along the irrigated lands bordering the Colorado River.

It is true that since the last break in the river in 1907—that is, the break which occurred in 1905 and was closed in 1907—there is better protection in the form of levees built up of cribbing and filled with stone, or the stone without cribbing, than there had been prior to that time; but there is danger—and in this case eternal vigilance is the price of safety—because any slight deflection in the course of the channel will throw the full body of the stream against one of these levees at an angle. Instead of its crowding over the top of the levee, it burrows underneath until the structure crumbles and falls into the water and is swept away, and the stream rushes through.

It is true that the Imperial Valley irrigation district, as I believe it is called, has annually expended large sums of money in the upkeep of these levees; but recently there have been reports of a dangerous situation, and, as suggested to the Senators from California, I agree with the statement that was made that a reasonable means of protection—authority to the Secretary of War, perhaps, to act in case of emergency—should be granted by this Congress.

The all-American canal is made one of the leading features of this bill. The purpose is worthy from more standpoints than

one. I motored along the line of the proposed canal from the suggested intake near Yuma down through the sand dunes over the hills to the desert land and the high mesa at the upper or northerly end of the Imperial Valley. This project has been figured over year after year by engineers in an endeavor to find the most effective means of bringing water to the lands of the Imperial Valley, including the mesa lands and the adjoining lands of the Coachella Valley, which lie to the west and slightly northwest. As I am informed, the route that has been practically agreed upon by all of them is through these sand dunes, involving very heavy cuts and fills of desert sand where the winds have drifted, year by year, these sands into hills in some cases higher than the gallery there, and in other cases as high as the ceiling of this Chamber.

The upkeep of such a canal, which would be about 60 feet wide at its base, and on a one-and-a-half slope, and nearly a hundred feet wide at the top, or, perhaps, in some cases as wide as 120 feet, is quite a problem, involving not only heavy initial expenditures but an uncertain quantity in the matter of operation and maintenance.

It has occurred to me that instead of limiting the proposed canal in the manner indicated in the bill, and by the language designating it, there should be a broader provision which would enable the Secretary of the Interior to authorize the lifting of the water from the river at some other point instead of conducting that water, as is now done, a distance of about 60 miles over a circuitous route through the foreign country of Mexico, entailing, as it does, an obligation on the part of those who are responsible for this canal to turn over 50 per cent of the water conveyed to the residents of Mexico for irrigation and other purposes, regardless of whether the United States, in the Imperial Valley, we will say, has under cultivation 400,000 acres or more, whereas Mexico has under cultivation 240,000 acres or less.

I think it most desirable that the Imperial Valley supply should come over a route that does not pass through a foreign country, where all of the water that is turned out of the river for that valley will go to it, and not first have to pass through a foreign country, where it is a very easy matter, in handling the flood gates, to allow the people under the Mexican ditches to use much more water than they are justly entitled to under the agreement.

Mr. President, I am not an engineer, and, perhaps, I am not qualified to make an expression as to what might be accomplished there; but I have suggested an amendment which would permit the Secretary of the Interior and his assistants to exercise their judgment if it were found feasible to lift the water by pumping out of the river at a cost less than would be involved by the payment of interest on the original investment involved in digging the all-American canal through the sand-dune country.

The attempt at a financial plan provided for in the bill, which I understand the author of the measure now seeks to eliminate by an amendment, involves advances on the part of the United States Government to individuals, companies, or municipalities who agree to repay them, in the total sum of \$125,000,000, to be carried at a rate of 4 per cent interest. If the money is to be advanced, I see no objection to the rate, but it is left with the Secretary of the Interior to decide whether the irrigation enterprises, and the production of hydroelectric power, either in plants built by the Government under this bill, or through the leasing of the right to use the water, shall repay to the Government within a period of 50 years the original advances, with interest.

Mr. President, I think the item for the hydroelectric-power plants, which would involve, with interest, during the time of construction, an expenditure of about \$35,000,000, should be eliminated from this bill, and for that purpose I presented an amendment two days ago, which has been printed.

One provision of the bill is that the United States shall ratify the Santa Fe compact, not in its original form, the form in which it was signed by the representatives of the United States Government and the seven States at Santa Fe, but in a modified form whereby partial ratification only is required. That is to say, a six-State compact containing provisions similar to that original seven-State compact was subsequently drawn up and agreed to by five of the six States. Since that time one State has withdrawn her adherence to the compact, leaving only five States who agree to be obligated under the same, and one of those States consents only on condition that this dam be built at Boulder Canyon.

It does not seem to me that we have a feasible or workable proposition. Of the six signatory States referred to—Wyoming, Utah, Colorado, New Mexico, Nevada, and California—the four upper-basin States had signed unconditionally; Nevada had signed, making five, and California ratified only conditionally,

as I have stated. Later Utah withdrew, something like a month ago. Utah was at perfect liberty to withdraw her signature and assent to the compact, and every one of the other four States which signed unconditionally is equally at liberty to withdraw. They can withdraw at any time. I would not be surprised to see another of those States withdraw, although I have no basis for saying that any move in that direction is contemplated, or has been recommended.

The whole theory of the compact is unanimous consent; that is to say, it is an agreement under which the waters of the river were divided in such manner that the States would know what they could do without being in danger of an attack in the courts by some sister State drawing from the same river. Colorado has had her experiences. We have been in the courts with Kansas; we have been in the courts with Nebraska. Even in the Supreme Court we feel we lost on a point where our people were confident that we were right and should have won. We want to avoid litigation. Since the decision of the Supreme Court I have mentioned, we have entered into a compact with New Mexico for a division of the waters of the La Plata River. We have entered into a compact with Nebraska for a division of the waters of the South Platte River. Our commissioner is now negotiating with those representing Nebraska and Wyoming for a compact covering the waters of the North Platte River. In short, the whole purpose of a compact is to allow the States to know what their rights are, what the citizens can do, and to avoid the delays and expense incident to carrying the differences through every court up to and including the court of last resort.

Mr. President, I have never been able to find anything in the seven-State compact to which exception might be taken other than the point raised by the Senator from Arizona [Mr. ASHBURST] with reference to division as between two basins rather than allocating to the States in the basin. That point did not touch the upper-basin States because of the geographical location of the various tributaries of the Colorado and the main stream as it passes through Wyoming and Colorado, as it was found that each State could use the waters of the tributaries flowing through its domain, so to speak, without encroaching on the rights of any other State.

The matter mentioned by the Senator from Arizona, the failure to agree among the lower-basin States over the distribution of the water, appears to be in a fair way for settlement and determination, as stated by the Senator from California [Mr. JOHNSON].

Mr. President, I have faith that the seven-State compact could be made effective before the close of the present calendar year if the representatives of the three lower-basin States were given to understand that unless and until the seven-State compact is signed and made effective, no dam will be built on the Colorado River, either at Boulder Canyon or any other point; and that meanwhile the Federal Power Commission will refuse to issue permits for further construction on the main Colorado River or any of its branches. I have faith that the representatives of those States can and will get together.

I am not overlooking the statement made by the able Senator from California [Mr. JOHNSON] with reference to the demand of Arizona for a so-called royalty or tax on the hydroelectric power that might be produced at a dam located along the stream where Arizona claims to own the bed of the stream. There is always a point where the man who is selling something finds that if he is asking too much he has no market. If, as intimated, the original figures suggested by Arizona were \$6 per horsepower year, which would be equivalent, I am told, to .15 mills per kilowatt hour, Arizona would be standing in her own light to insist on such a royalty because that figure would represent 50 per cent of what the horsepower would cost to produce.

Mr. KENDRICK. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. REED of Pennsylvania in the chair). Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. PHIPPS. I yield.

Mr. KENDRICK. Does the Senator believe that it is constitutional to pay Arizona a royalty for her power or does he believe that it is consistent with the Federal water power act for her to levy a royalty for her power?

Mr. PHIPPS. I am sorry that I have not gone into that question deeply enough to give the Senator from Wyoming an answer that would be worth anything. Not being an attorney, I am really unqualified to express an opinion on that point, and I am sorry. The Senator will remember that on our visit to Arizona, I think at Prescott, we came into contact with a certain attorney whom our chairman, the Senator from Oregon [Mr. McNARY], requested to give us a brief on that

point. I believe the Senator received a copy of the brief. I confess that there was one part of the testimony I never read, and I have read a great deal of it too.

The seven-State compact to which I referred was signed in 1922. That is a long time in which to have to wait for ratification. But California, having first ratified, withdrew and then, at the time she signed the six-State compact, she attached conditions, as I understand it, which would also apply to the seven-State compact.

I have not been officially informed as to the reasons for Utah's withdrawal from the six-State compact, but she has withdrawn. That is the situation to-day. Four States are still signatories to the six-State compact without condition, and one is a signatory only with conditions, as I have already stated.

Mr. KENDRICK. Mr. President, will the Senator yield to me again?

Mr. PHIPPS. I yield.

Mr. KENDRICK. May I ask the Senator if he would prefer not to be interrupted?

Mr. PHIPPS. I am perfectly willing to answer questions. I know the Senator is not going to propound any dilatory question. I know the Senator is really interested.

Mr. KENDRICK. And nothing is, in any way, I believe, too difficult for the Senator to answer.

Mr. PHIPPS. I might differ with the Senator as to that, but I can assure him that it will not disturb me at all for him to make inquiries.

Mr. KENDRICK. In connection with the limited number of States or the reduced number of States now signatory to the compact, I am reminded to say to the Senator that one of the protests of Arizona against the compact was that it did not subdivide the waters of the river among the States. The Senator, I believe, will agree with me that while that might have been a consistent contention for the States of the lower basin, under the circumstances the physical conditions of the upper-basin States made such a division entirely unnecessary.

Mr. PHIPPS. That point I have tried to explain. I have made that statement. I have acquired the belief in some way that, up to within a very few months ago, almost weeks ago, there was never any definite attempt by the representatives of the two States of Arizona and California to come to an agreement as to a division of the water. I am inclined to take the view of the Senator from California [Mr. JOHNSON] that there is no difficulty there that can not be overcome by conference and a little patience.

On the other point, I think that is a matter largely for California and Nevada. If the United States Government comes into the problem in any manner, then I would say we are in for lawsuits, because the United States authorities should never for a moment, in my judgment, admit that Arizona had the right to assess royalties on the hydroelectric power produced where the dam is built within her borders.

Mr. KENDRICK. But the Senator will, I believe, agree to the fact that both Arizona and Nevada would have the right to ask for a division of the power for their separate States?

Mr. PHIPPS. That point came up in discussion a day or two ago, and the statement was made by the able Senator from California [Mr. JOHNSON] that there was no difficulty on that score, that the power which Nevada was not ready to use now, but believed she would have need for later on, could be reserved so that she might have it, and in the same breath he said, "and Arizona can have the same if she wants it."

Mr. KENDRICK. The point to which I want to call the Senator's attention is that, inasmuch as the physical conditions subdivide the waters between the upper-basin States, then for that very reason neither one of those States has any occasion for any anxiety because of priorities acquired against each other. That being true, it brings us to the point at issue in reference to the limited number of States and the fact that Utah has withdrawn. In effect, the priorities which may be acquired in the Colorado River against the upper-basin States will be acquired by either Arizona, California, or old Mexico, and therefore the fact that Utah has withdrawn from the compact would not afford any occasion for anxiety on the part of the upper-basin States. Our troubles are with the lower-basin States.

Mr. PHIPPS. Pardon me, I would not go quite that far. The Senator will recall that the main stream of the Colorado River flows through the State of Utah for quite a considerable distance.

Mr. KENDRICK. Yes; but I call the Senator's attention to the fact that the waters of Wyoming, the waters of Utah, and the waters of Colorado, in leaving the borders of those States, respectively, where they might be diverted, plunge into a rock-wall canyon a thousand miles long, and therefore

each State in its own right can use its own water. That State alone, from my viewpoint, can divert the waters to successful reclamation and irrigation within its borders. That is the point I am trying to make. If Utah has withdrawn, all we can say to her is "Hail and farewell" for the time being, but we will not by that fact interfere with her rights to her water, and we will not have occasion to be disturbed by it because of the further fact that she would not, in any event, acquire any priorities against us.

Mr. PHIPPS. I am glad to learn by inference that the Senator has assurance that it is practically impossible for Utah to use and divert from the main channel of the Colorado River any waters for her own use so as to be in a position to set up her priorities as against Wyoming and Colorado and also old Mexico.

Mr. KENDRICK. I think that fact is admitted. I do not care to be quite definite about it, but that is my understanding.

Mr. PHIPPS. The Senator may be correct in his information. The fact that the waters of the tributaries could be so readily divided among the upper-basin States also led to the disclosure of the fact that Lees Ferry was approximately the proper dividing line as between the upper-basin States and the lower-basin States.

The great trouble with the six-State compact, even if Utah came back in and California signed without condition, leaving Arizona out, is that Arizona would be free to appropriate water for her uses and thereby be in position to set up priorities as against the claims of the upper-basin States. That is a danger which Colorado wants to avoid. A burnt child dreads the fire. We have had our day in court and we are not inclined to buy into another lawsuit if we can help it. The seven-State compact would settle this question beyond any peradventure of doubt. It would avoid expensive litigation which would be certain to creep in, unless every one of the seven States agreed to the compact. Our present legal situation would not be improved at all unless we got the compact. We would have no legal protection against the nonratifying States. And yet I again express not only the hope but the belief that the seven-State compact can and will be made effective and binding.

Mr. President, I prepared an amendment in the form of a substitute which I sent to the desk and had printed two days ago. That amendment provides for the ratification of the seven-State compact before construction and that licenses on the river and its branches shall be suspended until the ratification shall be completed. To that I shall refer later.

As I said in a statement recently made in Denver, Colo., regarding this interstate agreement, I am firmly convinced that there must be voluntary ratification on the part of each interested State in order to make the compact effective. This is the only method of settling possible controversies permanently and of putting the water of the stream to its highest beneficial use. It is the only satisfactory method; it is the only legal method to avoid proceedings in the courts which would prove costly and almost interminable.

As to the proposed six-State compact provided for under the Swing-Johnson bill as originally drawn, if the bill passes California's assent is certain, and it is almost equally certain that Arizona will not enter into the league of States, but will attack the constitutionality of the act in the courts. Now that Utah has withdrawn from the pact she would, in all probability, follow suit.

I believe this attempted arrangement to be both unwise and dangerous. I believe that instead of settling water-right disputes among States, as was the original and main purpose, it will only lead to greater conflict and jeopardize Colorado River possibilities for years to come. Probably 10 to 15 years at least.

My conclusion is based on two reasons at least:

First. Forced settlements and coerced agreements are repugnant to the American theory of government, except possibly as a last resort when all other means have failed. While I hold no brief for Arizona, and have at all times urged that she ratify this compact, she should do so voluntarily, and it seems to me that any attempt to force her hand is poor policy, if not, indeed, poor statesmanship. On the other hand, why must the upper States, such as Colorado, accept this Boulder Canyon project in its present form, including features to which they might properly object? Bear in mind that it is a project from which they can hope to derive no direct benefit. Why must the upper States accept this bill—this or nothing—merely because of their natural desire for the ratification of the Colorado River compact, a ratification which will not be complete in any event and may cause conflict rather than harmony among the States it is designed to serve?

Mr. KENDRICK. Mr. President, will the Senator from Colorado yield to me?

Mr. PHIPPS. I yield.

Mr. KENDRICK. I want to ask the Senator if he does not believe that not only all of the seven States but every State in the Union ought to be interested in the protection of the people of California against the floods of the Colorado River?

Mr. PHIPPS. Absolutely; and I have so stated.

Mr. KENDRICK. Just one more question. Does not the Senator believe that the construction work under the proposed Boulder Canyon dam would afford the safest and most secure protection that could be provided against those floods?

Mr. PHIPPS. I have stated in the earlier part of my remarks that it would not be absolutely complete on account of the fact that the proposed dam site, and no doubt any other site that might be selected for a high dam, would be miles above the Gila River, which is a dangerous, flash stream, as the Senator knows.

Mr. KENDRICK. Yes; but if the Senator will permit further interruption, he will recall that there is now construction work proceeding on the Gila River that will have real effect and influence on controlling the waters of that river.

Mr. PHIPPS. But not absolutely. I stated in the earlier part of my remarks to-day that one dam was constructed and another was now under way which would be helpful, but that will not afford complete protection.

Mr. KENDRICK. But it will be sufficient to control that situation to a large extent.

Mr. PHIPPS. I know beyond any question that it should be very helpful, but I am not informed at the moment as to the location of the territory which has caused these washouts in the past. Probably it is territory subject to the same form of a water curse that we have in Colorado and Wyoming, a real waterspout which might be termed torrential.

To my mind, the fact can hardly be concealed that the main purpose of this bill is not flood control but hydroelectric power. I think the bill, when it shall pass—which I hope it will in an amended form—will make flood control so paramount that the Government officials will never dare allow it to be lost sight of.

Mr. KENDRICK. The Senator will concede that both of those purposes are very proper and consistent with each other?

Mr. PHIPPS. Yes; I am not opposed to them, I will say to the Senator; I have declared on the floor that I favor both of them, and I see many reasons why the Government is called upon and, in a way, has a duty to provide flood control, just as it does in the case of other streams, such as the Mississippi, for instance.

Mr. President, the only real argument in favor of the bill which has been presented to Colorado citizens or which, in fact, can be offered, is that thereby the compact will be ratified; while as a matter of fact we already have the unconditional approval of five States—now four States—and can only expect one more, that of California, if the bill becomes law. I believe this method of obtaining approval of the agreement among the States, which is based on necessity or expediency, should only be adopted as a last resort.

Mr. KENDRICK. Mr. President—

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. PHIPPS. I yield.

Mr. KENDRICK. Mr. President, I wish to state here that more than once it has been charged that California has imposed conditions involving an enormous expenditure upon entry on her part into the compact. I wish to ask the Senator if he does not believe that California has something less to gain by the compact because of priorities than any other State in the group of seven? In other words, the question would be, Has she any interest whatsoever in entering into the compact other than, we will say, a desire to see the waters equitably divided among the several States and also to secure the protection of her people, which is just as vital to her, at least, as perpetual rights to the water are vital to the States of the upper basin?

Mr. PHIPPS. Now the Senator opens another door. The Senator is quite right in saying that California has already arranged to use and is using more water than any other of the Colorado River Basin States; and California is, perhaps, in a position to develop more rapidly than her sister States additional lands to be brought under cultivation; but the Senator must remember that California has two forms of law in the matter of the acquisition of water rights, one being by appropriation and the other riparian, and that circumstance would enter into the equation in the event of a contest which would go to the Supreme Court of the United States in a fight over priorities.

Mr. KENDRICK. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield further to the Senator from Wyoming?

Mr. PHIPPS. I yield to the Senator from Wyoming.

Mr. KENDRICK. I think the Senator has not mentioned the principal advantage that California enjoys in this situation—

Mr. PHIPPS. But the Senator interrupted me.

Mr. KENDRICK. I beg the Senator's pardon.

Mr. PHIPPS. That is all right.

Mr. KENDRICK. I should like to point out that while the people of the upper basin or those located on the upper levels of the Colorado River understand the economic law that applies to the use of the waters of the river in that the water used in the upper basin of the river has a very large return flow and is used over and over again on its way to the sea, California is situated at a lower point on this great river than any of the other States, and I seriously question whether she would ever note any difference in her water supply if every drop of water were diverted by the upper-basin States that could be diverted. I think her supply even in that event would be equal to every need that she would have. That was the thought in my mind. So, enjoying this advantage, she had less to gain by entering a compact than the upper-basin States.

Mr. PHIPPS. The Senator's views and my own are quite in accord; or, rather, I am quite willing to subscribe to everything he has said. I was intending to complete my answer to his initial inquiry.

Mr. KENDRICK. I beg the Senator's pardon.

Mr. PHIPPS. As I was saying, each of the seven States admits that there should be a compact in order that they may have the benefit to be derived from the waters of the Colorado; most of them concur that the tentative agreement is an equitable one. California states that she will sign it if the Boulder Canyon dam is to be built, and Arizona indicates that a supplemental agreement among California, Nevada, and herself will solve the difficulty. I can not, therefore, escape the conclusion that further attempts to arbitrate differences and to obtain approval of the compact on a voluntary basis will accomplish the desired result in a quicker, better, and more satisfactory manner than to force a partial adjustment through the agency of the Swing-Johnson bill.

Mr. President, in the minority views of Congressman LEATHERWOOD on House bill 9826, which, I understand, is a companion or duplicate of the one here, Senate bill 3331, he calls attention to the fact that on page 11 of the committee report—referring to the majority report—there appears this statement:

By "enthroning the Colorado River compact" it assures to the States of Colorado and New Mexico, Utah, and Wyoming, the water rights so essential to their future.

In response to that statement of the majority side, he says:

The above statement has no foundation either in fact or in law. The ready consent of California to the reducing of the height of the dam at Boulder Canyon from 605 feet to 550 feet proves conclusively that the above statement was not made in good faith. By consenting to the lowering of the dam to a height not to exceed 550 feet it will be possible for Arizona to construct two high dams between Boulder Canyon and Glen Canyon and also a third dam at Glen Canyon. Arizona is not bound by the terms of the compact and any appropriation of water that she might make by the construction of these dams would constitute a priority against the upper States provided the appropriation was prior in time to the application of the unappropriated water of the river to beneficial use by the upper States. Arizona is therefore in a position by the construction of these dams to gain a priority over the upper basin States to every acre-foot of water allocated to them by the Colorado River compact. There is not a single reservation in the bill that will protect Utah or any one of the upper basin States from such a contingency. Utah was given to understand that the purpose of the six-State compact was to hasten a settlement of the differences between Arizona and California, but if this bill is enacted into law California has no concern about reaching any agreement with Arizona. She will be fully protected and her sister States that have been so anxious to bring about a friendly solution of the whole problem, so that development in the lower river might go forward, will be left without any protection and at the mercy of a State not bound by the compact. If this bill is passed by Congress there will never be any ratification of the seven-State compact. California never intimated that she intended to ratify with reservation until after the upper basin States had acted. There is not a single reservation in the bill that will protect Utah and the other upper States against the danger that I have just pointed out.

Mr. President, I am taking a little time to look at my notes, because I do not want to put anything in the Record that I think has already gone in; and I do not wish to occupy the floor of the Senate any longer than is necessary for me to present the statements that I have in mind.

Mr. KENDRICK. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. PHIPPS. I yield to the Senator.

Mr. KENDRICK. I want to suggest to the Senator that he need not have any concern about putting material in the RECORD the second time, because, in case he finds it necessary to do so, it will not be the first time on record.

Mr. PHIPPS. Does the Senator mean the first time the Senator from Colorado has so offended, or is that a general statement?

Mr. KENDRICK. I mean it as a general statement.

Mr. PHIPPS. I thank the Senator. I did not want anyone to think that I might be the culprit the Senator had particularly in mind.

Mr. President, in connection with the uses of water, domestic use is possibly greater in value and should be classed higher than water devoted to irrigation. I find in the same minority report, made by Mr. LEATHERWOOD to the House, certain statements which I desire to quote. Speaking of domestic water supply for Los Angeles and other towns in southern California, I quote:

The claim of Los Angeles for an additional water supply from the Colorado River for domestic purposes, even if sincere, is not well founded. The cost of taking water out of the Colorado River Basin to Los Angeles, even with power furnished by the taxpayers of the country at 3 mills per kilowatt-hour, would be prohibitive. Francis L. Sellow, a consulting engineer of Los Angeles, Calif., submits the following data as to the cost of taking water from the Colorado River Basin over the divide into the Los Angeles Basin:

"Under the plan proposed about 1,500 cubic feet per second are to be lifted against a head of 1,500 feet"—

I may say, parenthetically, that I have been informed that that head may be 1,750 feet—

"the cost of pumping alone being 5 cents per 100 cubic feet. (Mulholland, Senate hearings on Colorado River, October 26-27, 1925, p. 113.)

"On this basis the cost of pumping will be—

One second-----	\$0. 75
One minute-----	45. 00
One hour-----	2, 700. 00
One day-----	64, 800. 00
One year-----	23, 652, 000. 00

which at 6 per cent is the interest on \$394,200,000."

Mr. Sellow further says:

"The present supply for Los Angeles is obtained from Owens Valley, which, in conjunction with Mono Lake, will yield 834,000 acre-feet annually. (California Board of Public Works—Report to Legislature, 1923, Appendix A.) Allowing 80 per cent conservation, there results 585,000,000 gallons daily, which, at 130 gallons per capita, is sufficient for 4,500,000 people, or at least four times the present population of Los Angeles."

Mr. President, as a matter of information on this same subject I desire to quote from the testimony of Mr. Thomas H. Means, which is found in Report 1657, part 3, of the House hearings on the Boulder Canyon project:

Mr. HAYDEN. Is it not true that to get water into Los Angeles from the Colorado River would require a lift of 1,200 feet, and as Mr. Mulholland told us, that would require, if the total quantity that the city needed were utilized, a continuous application of some 200,000 horsepower from the Colorado River to lift the water over the mountains; whereas, the water from Mono Basin and the upper reaches of the Owens River, if conserved and stored, would flow by gravity down to the city. Instead of using a tremendous quantity of power to lift it to the city, the water would produce power as it came down?

Mr. MEANS. The difference is this: In one case you have a drop of about 4,000 feet, through power plants; in the other case you have to lift water, according to Mr. Mulholland, 1,200 feet. My figures are 1,500 feet—that the water will have to be lifted in order to bring it to Los Angeles.

So we have in one case pumping water up 1,500 feet, and in the other case water falling down 4,000 feet.

Mr. HAYDEN. What is the value of the power that could be extracted from that fall of 4,000 feet?

Mr. MEANS. The value of the power that could be extracted would be sufficient to pay all of the cost of bringing the water to the city at the present rates at which the city is selling power. * * *

Mr. HAYDEN. Which do you think would be most advantageous to the city of Los Angeles, in order to furnish a domestic water supply for 5,000,000 people—to get the water from the Colorado River or to get it from Mono Basin and the Owens River?

Mr. MEANS. To get it from Mono Basin and the Owens River, for two reasons: First, the cheapness of the water, due to the power developed; that is to say, the power will pay the cost of getting the water to Los Angeles. And, second, the question of quality of the water, which is exceedingly important.

It has been said that the water of the Colorado River is not a desirable water for a large city. When I was in the Reclamation Service I had collected waters from all important western streams for chemical analysis. Among others we collected water nearly every

day from the Colorado River at Yuma; and we collected water from the Owens River.

I may say that the results of those analyses were published in Water Supply Papers Nos. 237 and 274.

Briefly, the Colorado River carries, on the average, about 700 parts of total solids per million parts of water and has considerable hardness. The Colorado River carries 700 parts of total solids, as against 288 in Owens River. The Colorado River carries 324 parts of hardness per 1,000,000 parts of water, as compared with 98 parts of hardness in the Owens River.

Mr. HAYDEN. If the waters of the Colorado River were stored and desilted, and the clear water came out of the reservoir—

Mr. MEANS (interposing). This is in solution; it is not in suspension; it is material dissolved in the water.

Mr. HAYDEN. It would be perfectly clear to the eye and still carry the solids?

Mr. MEANS. Yes. In other words, the Colorado River carries twice the solidity of the Owens River, and nearly four times the hardness, making it not a satisfactory water for a large city. I can say without fear of successful contradiction that if Los Angeles uses that water supply they will have the poorest water supply in America for a large city.

Mr. President, I was glad to note in one of these statements which I have read within the last few minutes a declaration to the effect that the 550-foot height proposed for the Boulder Canyon dam would still leave Arizona the opportunity to construct at least two power plants above Boulder Canyon and below Lees Ferry, or, say, at Glen Canyon and one or perhaps two other points. I think that Arizona should be left with an opportunity to develop her lands when she is ready to do so later on, and I realize that it may not be feasible to divert the water which would be impounded by the Boulder Canyon dam so as to introduce it on the higher mesa lands in Arizona, but I do think it important that Arizona's opportunity to irrigate her own territory should be provided for, should not be overlooked.

I desire to hurry on, but there are some remarks that I have made myself and some made by others which should be in the RECORD at about this point. I have made a statement heretofore as to power companies, and I will not repeat it in full, to the effect that my impression is that corporations would prefer to have the Government put up the necessary \$35,000,000 rather than erect the hydroelectric plants themselves. I further stated that it is admitted on all sides by those who favored Government ownership and by those who favored private operation that there is or will be a greater need for this additional power in the West; that there will be an ample market for it over and above the present consumption of power. Consequently, private and municipal corporations would welcome this additional supply, whether privately or publicly operated, and are anxious for the early construction of a dam on the lower Colorado River.

I have here a statement issued in 1924 and signed by the then members of the Federal Power Commission, Secretary of War Weeks, Secretary of the Interior Work, and Secretary of Agriculture Wallace, and would like to have a portion of it inserted in the RECORD without reading.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

In so far, at least, as the project proposed exceeds the requirements of flood control and irrigation, the bill proposes that the United States undertake a new national activity, namely, the business of constructing facilities for production of electric power for general disposition, an activity which if logically pursued has possibilities of demands upon the Federal Treasury in amounts far beyond those now involved in reclamation and highway construction combined. While the United States has heretofore constructed power developments in connection with irrigation projects, these developments have been merely incidental to the projects, have been of a few thousand horsepower only, and have been primarily for use on the projects themselves. The construction of a reservoir having a capacity of from four to eight times the needs of irrigation and flood control and of a power development twenty times in excess of the probable power needs of the irrigated lands and adjacent communities is a complete departure from former policies. The only undertaking by the United States at all comparable in magnitude with the proposals at Boulder Canyon is at Muscle Shoals, and this project was undertaken to furnish munitions in time of war. In so far as it was to serve the needs of peace, it was to furnish an essential commodity for all sections of the United States and was not for the special benefit of a limited area.

If the United States is to embark upon a general policy of public development of electric energy at Federal expense, it should do so only after full consideration of what the step means. The present investment in the United States in central electric stations—that is, in those

plants engaged in developing electric power for general distribution and sale—is approximately \$4,500,000,000. That investment will require to be more than doubled in the next 10 years if the demands of industry are to be met. A policy of Federal development would therefore require continuous expenditures of not less than one-half billion dollars per annum, for it could not be expected, in the face of such a policy supported by Government funds and with tax-exempt properties, that private industry could afford to put any additional investment into the central-station business. Under such circumstances we must assume that any such a policy or program of Federal activities is impracticable and undesirable.

If the proposal in H. R. 2903 with respect to power development is not the first step in a general program of like undertakings, it can be justified only on the clear proof that peculiar conditions in this particular case, conditions not prevailing elsewhere, justify the Federal Government in taking action that it does not propose to duplicate elsewhere. Such action can not rest on the ground that the Federal Treasury is the only available source of funds, for private funds are available now, and have been for several years, to undertake immediately such development as is justified by the needs of flood control, irrigation, and energy supply; or on the ground that the territory to which the greater part of the power must be delivered is in any immediate need of added power, for that territory is already better supplied and at a cheaper rate than any similar territory in the United States. It has been argued that the United States should finance this power development, because with a lower interest rate, absence of profit, and freedom from taxation power could be delivered at a less cost than if developed by private capital. This is by no means a necessary conclusion, but even if it were, electric power is only one element in industry, and if Federal financing is justified in the present case on such grounds it is similarly justified in all other cases and in all branches of industry. With the authority that exists in the States and in the United States to regulate and control private or municipal power development, distribution, and sale, we do not believe that the United States should undertake such development unless it can be clearly shown that the development can not otherwise be had.

In 1920, after many years of consideration, Congress adopted a general national policy with respect to power development on sites under Federal control. That policy has been attended with marked success. Millions of horsepower are being constructed under the terms of the Federal water power act. These sites are being held in public ownership under public control, with every essential public interest protected. There is no occasion for going outside of the terms of that act to secure the production of all the electric energy required at terms fair, both to the developer and the user. Under such circumstances we do not deem it desirable to enact special legislation modifying the established policy by giving to any individual, corporation, or community special privileges not accorded to all.

Congress also, in the Federal water power act, created a single executive agency for the administration of all water powers under Federal ownership or control. The plan thus adopted is proving eminently satisfactory. We believe any change in such method of administration is undesirable, and therefore, whether the Boulder Canyon dam or some other be built and whether at public or private expense, we believe the disposition of any power developed should be handled by the Federal Power Commission under the general terms of the Federal water power act and not as proposed in the bill. All interests of the Department of the Interior will be adequately met through the membership of the Secretary of the Interior on the commission.

Mr. PHIPPS. Mr. President, in Congressman LEATHERWOOD's report, on page 11, there is repeated a letter which Secretary Mellon addressed to Chairman ADDISON SMITH, of the House Committee on Irrigation and Reclamation, dated March 18, 1926, which reads in part:

I believe that, in general, sound public policy in America, as elsewhere, is to encourage private initiative and not to have Government ownership or operation of projects which can be handled by private capital under proper Government regulations. The Government operation of railroads in this country was our largest experiment on this line, and a comparison of public and private operation in that field justifies my faith in private enterprise. Canadian and European experience is the same. To get the Government out of business, whether it be in banks, utilities, or monopolies, has become one of the most essential steps to a permanent fiscal restoration of Europe, and I am loath to have the United States embark on enterprises not strictly governmental in their nature. The fact that a government can furnish capital at lower rates of interest is illusory, if there be taken into account that the public project pays no tax, and therefore does not bear its share of the cost of government. It seems to me that if the project is one which can pay its own way, private capital can be found. If it can not pay its own way, then we should consider whether all taxpayers throughout the United States should be taxed for the benefit of a part of the country.

I quote from the statement of Secretary Hoover, released March 3, 1926, found on page 12 of this pamphlet, as follows:

It seems to me that we should not depart from the national policy established by the water power act and that the handling of the power question at this dam should be placed in the hands of the Federal Power Commission to give licenses for the use of the water for power purposes under the water power act without imposing a new system of allocation. Of course, any licenses issued should be subject to the approval of the Secretary of the Interior as to the major purposes of finance of the obligations of the Government and other requirements of the region.

I may be guilty of repetition, because I have read a part of that statement where it was quoted in a different place. But there are points involved here which I think are of vital importance. Upon those I do not care to dwell further. I repeat what I have already said, that the bill as drawn involves the embarkation by the Government into the manufacturing business, and no man can tell how much money will be required. While I hope that the \$500,000,000 a year estimated by our Federal Waterpower Commission is a gross exaggeration, it may be more nearly correct than any of us could guess.

Mr. President, I think the plan is paternalistic. It is contrary to the genius of the Republic. It would set the worst possible precedent not only in the hydroelectric power business but for other business undertakings as well.

I wish to refer for a moment to the amendments which I have had printed and would merely call attention to them without attempting to discuss them further at the present time, with the exception of the substitute, which I do desire to explain. While it would apply to the seven-State compact, the other amendments which I have offered would apply to the six-State compact were it put into effect and the dam constructed under the provisions of the pending bill.

The intention of this amendment offered as a substitute is to safeguard the rights of the upper basin States, as well as those of the other States, in the waters of the Colorado River. I believe if it were adopted it would bring about a speedy solution of the questions now in controversy. The changes as compared with the bill reported out by the Committee on Irrigation and Reclamation are about as follows:

First. That the act shall go into effect and the dam shall be built only after each one of the seven States in the river basin has ratified the Colorado River compact. That would protect the rights of all the States to the use of the water in the stream and require the approval of the United States which is given in the amended bill.

Second. Pending ratification of the Colorado River compact, no further licenses shall be issued by the Federal Power Commission on the Colorado River or its tributaries.

Third. The dam shall be located at Boulder Canyon, Black Canyon, or such other advantageous place as may, in the judgment of the Secretary of the Interior, be more suitable.

Fourth. The Federal Government shall not construct a hydroelectric plant or other works for the generation of electrical energy, but the use of the water for such purposes shall be leased at advantageous terms under licenses issued by the Federal Power Commission.

Fifth. The Secretary of the Interior is granted discretion either to build the all-American canal or to construct such other irrigation works as may most efficiently and economically serve the Imperial and Coachella Valleys in California for irrigation and domestic purposes.

Sixth. Other minor changes in the wording of the bill as reported are contained in the substitute. I will merely call attention to them. They are corrective of language rather than otherwise, and it is not necessary to discuss them. They apply to the bill now before the Senate in such manner as to strike out the features to which I have called attention and to which I object.

I believe that my substitute for the Boulder Canyon bill, if adopted, would provide a constitutional, practical, and businesslike solution of the Colorado River problem. By insisting upon complete ratification of the Colorado River compact by the seven States before construction of the dam, and by stipulating that no licenses shall meanwhile be issued, the rights of each State in the river basin are protected. At the same time these amendments make it to the interest of every one of the States to get together on an agreement for an equitable division of the waters of the stream. These provisions meet constitutional objections to the bill as reported and will probably avoid years of litigation, during which the construction of the project will doubtless be enjoined if the present bill becomes a law.

By eliminating the power plant provisions, to which there has been serious opposition, by permitting the Federal Power Commission to license the use of surplus waters for power purposes instead, by giving the Secretary of the Interior the right to select the best method of irrigating the Imperial and Coachella Valleys, as well as the right to select the most suitable dam

site, the expense of the undertaking is reduced more than \$35,000,000, while at the same time it is made much more feasible, practical, and likely of success. In short, I believe that the substitute I have offered provides the only means whereby the dam can actually be constructed for flood control, irrigation, and use of water for power purposes, with reasonable probability of economical, businesslike operation, and adequate legal protection to all of the States claiming right to the waters of the Colorado River.

It has been asked, Why should Colorado be interested in the amount of money expended at Boulder Canyon, or how it is to be expended, provided she get her share of the waters of the stream? I will tell the Senate why. In the first place, Colorado taxpayers will stand a part of the cost of construction. Second, and more important, upon the success or failure of this huge public undertaking, its economical construction, and efficient management will largely depend the attitude of the United States Government toward future irrigation or reclamation projects in Colorado, in Utah, in New Mexico, and in other Western States.

We are all vitally concerned in this matter, as the distribution and use of the water of the Colorado River will affect the whole Nation; may not be limited, in fact, to this country's boundaries, for this is an international stream. We must work and pray for the ratification of a water compact free, fair, and just to each State in the river basin. We must work for the construction of a proper dam in the lower Colorado River, and, above all, we must hasten the day when each State in the league shall secure the full benefit of the water to which it is justly entitled, thereby insuring proper development of our vast natural resources and a prosperity heretofore unequalled in the history of the West.

Mr. KING. Mr. President, I suggest the absence of a quorum. The PRESIDING OFFICER (Mr. BINGHAM in the chair). The absence of a quorum being suggested, the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Asbust	George	McLean	Sheppard
Bingham	Gillett	McMaster	Shipstead
Borah	Glass	McNary	Shortridge
Bratton	Goff	Mayfield	Smith
Bruce	Gooding	Metcalf	Stephens
Cameron	Hale	Moses	Stewart
Capper	Harrell	Neely	Swanson
Caraway	Harris	Norris	Trammell
Copeland	Harrison	Nye	Tyson
Curtis	Heflin	Overman	Underwood
Dale	Johnson	Phipps	Wadsworth
Deneen	Jones, Wash.	Pine	Walsh, Mass.
Dill	Kendrick	Pittman	Warren
Edge	Keyes	Ransdell	Watson
Edwards	King	Reed, Mo.	Wheeler
Ernst	La Follette	Reed, Pa.	Willis
Ferris	Lenroot	Robinson, Ind.	
Fess	McKellar	Schall	

Mr. McMASTER. I desire to announce that the senior Senator from South Dakota [Mr. NORBECK] is unavoidably absent because of injuries received in an automobile accident. I request that this announcement may stand for the day.

Mr. SHIPSTEAD. I wish to announce that the Senator from Montana [Mr. WALSH], the Senator from Arkansas [Mr. ROBINSON], and the Senator from Pennsylvania [Mr. PEPPER] are detained from the Senate on the business of the Committee on Foreign Relations.

Mr. JONES of Washington. I desire to announce that the Senator from Nevada [Mr. ODDIE] is absent on account of illness.

I also wish to announce that the Senator from North Dakota [Mr. FRAZIER] is detained in committee.

Mr. HARRISON. I wish to announce that the Senator from Delaware [Mr. BAYARD] is necessarily detained from the Senate by his attendance upon the funeral of former Senator Willard Saulsbury, of Delaware.

The PRESIDING OFFICER. Seventy Senators having answered to their names, there is a quorum present.

Mr. KENDRICK. Mr. President, because of the importance of the question which is now under discussion, I should like to ask the Senators to indulge me with their attention for a brief time. I think every Member of the Senate will agree that during my service in this body I have not offended by consuming much of the time of the Senate. I have been, however, a good listener to other speakers. On many occasions I have been, as a listener, the sole survivor.

Mr. President, we have heard a great deal said about the development of the lower Colorado River, and nearly all the discussion has had to do with that section. We have not, however, up to this time, except from the Senator from Colorado [Mr. PHIPPS], heard anything as to the viewpoint of the upper-

basin States, and if I may have the attention of the Senate for a few moments I shall endeavor to reflect as best I can the attitude of those States.

First, Mr. President, I want to emphasize the fact that California is not the only State that is vitally interested and that will be vastly benefited by the enactment of this legislation. It has been contended that if the bill becomes a law California is to receive the primary benefits. I do not agree with that contention and I hope to convince those who listen to me that the provisions of the bill are not limited to one State but will apply to every one of the States joining in the Colorado River compact.

During the discussion here we have heard this great river described in detail and it is unnecessary to say much more on that point. The Colorado River is approximately 1,800 miles in length from its source at the foot of Fremont's Peak in Wyoming to its outlet in the Gulf of California. Between the edge of the Green River Basin in my State—that is to say, where the river crosses the Wyoming line and enters the State of Utah—to where it leaves the rock hills bordering on the State of California there intervene a thousand miles of rock-wall canyons.

The flow of the river, as I believe, includes a sufficient supply of water to reclaim every foot of the more than 6,000,000 acres of irrigable lands within its drainage. I may say, Mr. President, that you have heard a good deal of discussion here about water, and it is difficult for Senators from Eastern States to conceive the importance of water in the development of our arid West. In spite of its desolate appearance, our soil in the arid States contains in its very nature the accumulated fertility of the ages, and yet, with only 8 or 10 inches of rainfall, and without the use of water for irrigation, it is almost entirely unproductive. When irrigated it produces more abundantly than under any other form of agriculture.

It has been contended here, too, by some Senators that we are expending unnecessary governmental funds in reclamation at a time when there is already overproduction. On the most of our irrigated lands in the West, Mr. President, the products of the soil do not come in competition with the products of the country farther east. In many cases they are different kinds of products, and in many other cases they are a higher quality of products.

This legislation involves three or four different subdivisions. The first of these is the building of a high dam for the purpose of flood control and the development of hydroelectric water power.

I think it has been indicated here by either direct or indirect statements that this question of flood control in the Imperial Valley was of limited importance. I hope no Senator in this Chamber who has ever witnessed the devastation of floods will allow himself to be misled on that point. No one of the group of Senators who visited the banks of this great river, where it runs along on a high dike that it has built up by its own silt, hundreds of feet above the surrounding territory, could have reached such a conclusion. The volume of water in time of floods is, at best, practically uncontrollable, and when one observes that its low-lying banks are easily dissolved by contact with the water, the danger becomes more evident. It is to be hoped also that no Senator here will conclude that the thousands of American citizens whose lives and property are endangered by the floods of this river are as foreigners to him. It is a fact that the people of the Imperial Valley hail from every State in the Union.

In its original state the Imperial Valley would have been more properly termed the "Imperial Desert": a territory entirely unproductive in character and so uninviting in appearance as to suggest the closing lines of the wonderful poem entitled "The Desert":

God must have made thee in His anger and forgot.

Inspired by the spirit of crusaders, the people of the Imperial Valley have won from the desert this the last frontier of the country, and have transformed it into a vast oasis from which the Nation already is drawing its winter supply of fresh fruits and vegetables. The harvest time in other sections of the land becomes seed time for the Imperial Valley, so that the agricultural products of this section come not into competition with those of other States. Surely such a people are as much entitled to protection as those who have profited by the splendidly fertile lands of the lower Mississippi Valley.

During the discussion of this measure reference has been made more than once to the designs of California cities upon the waters impounded to meet the needs of their different municipalities. What of it? These cities are proposing to pay the full cost to the Government for additional water supplies to meet their urgent needs. As builders they too have wrought

worthily and well in the development of a new country and are entitled to every consideration that can consistently be given to them by Congress.

One or more Senators, during the discussion of this bill, have suggested its unconstitutionality. It is to be hoped that in passing upon a question which involves the consideration of life and property, that we are not to find the Constitution and the Colorado River in collusion against the people of the Imperial Valley.

The highest engineering authority of the country has pronounced the Boulder Canyon dam as the best known means of flood control of the Colorado River, for which reason every State in the Union should be interested in the building of this dam in order to protect the lives and property of our people. It follows that every State in the Union should be interested in the building of power plants for the production of hydroelectric power as the best means of guaranteeing to the Government a return of the cost of construction. All of the seven States directly interested in the waters of the Colorado River must be interested in the building of the all-American canal as the only practical method of discontinuing, at the earliest opportunity, the possible acquisition of priorities on the part of Mexican lands to the waters that are later on to be so sorely needed in the reclamation of the arid lands of the United States. In building the canal through which, at the present time, water is conveyed from the Colorado River into the Imperial Valley, it was found necessary, because of the physical condition of the country, to detour for some distance across Mexican territory.

Such necessity provided an opportunity for the owners of Mexican lands who, we are informed, are American citizens, to exact from the builders of the canal a contract under which they were compelled to deliver an amount of water for the irrigation of Mexican lands, equivalent to the amount delivered to the Imperial Valley. So it follows that an increase in acreage in the Imperial Valley means a corresponding increased acreage in Mexico or at least a basis on which to claim priorities. This increased acreage is now estimated at about 25,000 acres per annum, and on a basis of 4 acre-feet of water this would mean that the lands of old Mexico are establishing a claim to an additional 100,000 acre-feet per annum. As already stated, every one of the seven States interested may well be anxious to terminate a condition which imposes such a tragic loss.

Those who would delay action on this bill insist that there is no international law under which we would be obligated to deliver any water in this international stream to the people of a foreign country. In passing upon the merits of this contention, we may well bear in mind that any rights to the waters of the Colorado River for use on Mexican lands have been established through the cooperation of American citizens, as already stated. When the time comes to write a treaty it is unlikely that this Government can be induced to deal with the people of Mexico in any other than a spirit of characteristic fairness.

Mr. President, the purpose of this legislation is to provide for the ultimate development of the Colorado River from one end to the other. From my viewpoint, it provides for one of the greatest plans of conservation that has ever been attempted in this country. One of the most important provisions of the bill is a condition imposed, as follows:

SEC. 4. (a) No work shall be begun and no moneys expended on or in connection with the works or structures provided for in this act, and no water rights shall be claimed or initiated hereunder, and no steps shall be taken by the United States or by others to initiate or perfect any claims to the use of water pertinent to such works or structures until the States of California, Colorado, Nevada, New Mexico, Utah, and Wyoming shall have approved the Colorado River compact mentioned in section 12 hereof and shall have consented to a waiver of the provisions of the first paragraph of Article XI of said compact, which makes the same binding and obligatory only when approved by each of the seven States mentioned in said section 12, and shall have approved said compact without condition save that of such six-State approval, and until the President by public proclamation shall have so declared.

The bill provides further:

SEC. 8. (a) All appropriations of water from the Colorado River, incident to or resulting from the construction, use, and operation of the works herein authorized, shall be made and perfected in, and in conformity with the laws of those States which may or shall have approved the Colorado River compact ratified in section 12 of this act.

This, to my way of thinking, compels an equitable division of the waters between the States; and since the Government is lending its credit to the construction provided for in the bill, it will constitute the best of all guaranties to the upper-basin States that their rights to their waters so vitally necessary in

the reclamation of their arid lands shall be perpetuated for all time.

Owing in part to the lack of economic need and to an absence of capital the reclamation of our lands in the lower levels of the river may be long deferred; but when our day of development comes, as it will surely come, it will be possible for us, under the provisions of this bill, to invest our money in consistent construction of irrigation works rather than in costly and even hopeless litigation over our water rights.

I assert here, and I do not believe it will be contradicted by any of the able lawyers among the Senators from the West, that during the last 50 years there has been expended in our western country as much money in litigation over water rights as has ever been employed in the building of dams and canals. This compact, written into and becoming the warp and woof of this legislation, will protect our States in the upper basin against that kind of economic waste in the years to come.

Not the least of the cost included in litigation is that of endless delays in securing decisions. In the suit between Wyoming and Colorado, from which I shall quote later, the bill was filed May 29, 1911, and the decision was rendered June 5, 1922, 11 years after the suit was begun. With the many other precarious circumstances coincidental with reclamation, any cloud upon the title to the water precludes arbitrarily any prospect of development.

One of the regrettable features of this controversy is found in the failure of one or more of the States to enter into the compact. I want to say here that the people of my State would not be a party, knowingly or otherwise, to any agreement or to any legislation that would deprive a sister State of any of her rights whatsoever. We have not attempted, as I understand it, to coerce any State to come in. We certainly have not been precipitate in our action. The discussions of this measure have now extended over a period of four years' time, and I may say that the original question of a compact was raised because of the very danger to the people of the Imperial Valley referred to in this debate. If I am not mistaken, the people of California and Arizona both appealed to the people of the upper-basin States to join them in another appeal to the Government for this relief, and when that was done our people very naturally said, "We, too, have great interests at stake here. We would like to join you, provided that in doing so we did not establish priorities that would prove detrimental to us later on." So from that very fact arose the talk of this agreement; and while it was hoped that every one of the States would come in, they have failed so far to agree on terms.

I do not believe that anyone who has listened to the discussion here will conclude from it that there is any denial to the State of Arizona of her share of the water in this river, and I point out to the Senate that the compact which she was asked to sign dealt almost exclusively with the division of the water and hardly touched upon anything else. It did have to do somewhat with and provided for the classified use of the water, if I may use that term; that is to say, provided that municipal needs should be met first, agricultural needs should be second, and power needs should be third.

Mr. COPELAND. Mr. President, may I ask the Senator a question?

Mr. KENDRICK. I yield.

Mr. COPELAND. Is there anything in this measure which would interfere with the State of Arizona at some later time, or at any time it chooses to do so, going up the river and building the dam at the point where the advocates of that measure desire to build it at the present moment?

Mr. KENDRICK. Mr. President, in discussing this matter before the Committee on Irrigation and Reclamation I asked that question of the former chief engineer of the Reclamation Service, Mr. Weymouth, and he stated that if the dam at Boulder Canyon did not exceed in height 550 feet, it would not interfere in any way with later development and the building of a dam at Bridge Canyon in Arizona.

Mr. COPELAND. Will this dam be any higher than 550 feet?

Mr. KENDRICK. It is not intended and not proposed to build it higher than that. The original plan did provide for a dam, as I recall, 600 feet high.

Mr. COPELAND. Am I right in this, may I ask the Senator? If we go forward with this project and build the dam as now planned, and in that way all the States shall be benefited, after that, if at any time this Government or the State of Arizona decided to go up the river and build a dam, it could do so, could it not? In other words, if I may ask the Senator, are we by this project interfering at all with the later development of the Colorado River in a way which will prove beneficial to the State of Arizona along the plans which they are discussing?

Mr. KENDRICK. It does not interfere in any way; and will not, at the most, exert any other influence on the Bridge Canyon dam than possibly to delay the construction of it a few short years. It is inevitable, from my viewpoint, that all of these splendid dam sites are in the future to be employed in order to meet the growing needs for power in that western country.

I pointed that fact out within the past three or four days to the Senator from Arizona [Mr. ASHURST], who was speaking on the subject, and stated that the construction of the Boulder Canyon dam would not interfere with the building of the dam at Bridge Canyon.

Mr. PITTMAN. Mr. President—

The VICE PRESIDENT. Does the Senator from Wyoming yield to the Senator from Nevada?

Mr. KENDRICK. I yield.

Mr. PITTMAN. Permit me to make a statement, so that there will be no mistake in the RECORD as to figures. Mr. Weymouth, who was formerly the chief engineer of the Reclamation Service, and who was also on the Board of Engineers, employed by Arizona to survey from Bridge Canyon for the so-called high-line canal in Arizona, testified that Bridge Canyon was about 127 miles above Boulder Canyon, and that the Boulder Canyon dam would have to be 690 feet high to make it possible for the water to reach the base of the proposed Bridge Canyon.

Mr. COPELAND. Mr. President, may I ask the Senator if it would annoy him to ask him a question?

Mr. KENDRICK. Not in the least.

Mr. COPELAND. Last night the Senator from Arizona, in his address, referred to the compact between the States of Pennsylvania, New York, and New Jersey. He seemed to hold the view that the conditions were identical. I said to the Senator that they did not seem to me to be identical, because, if the plan as to our section shall be carried out, and if the diversion provided in the compact were planned for New York and Pennsylvania, New Jersey would be cut out entirely from any benefit in the water, while in the case of the project under discussion, if the plan is carried out and the dam built at Boulder Canyon, the State of Arizona will get all of her rights and her proportionate share of the water and power without in any sense interfering with future development, which would be the case if we were to do the same thing with regard to the tri-State compact in the East. So I take exactly the same view the Senator takes, that the rights of Arizona are not infringed upon in the least.

Mr. KING. Mr. President, will the Senator yield?

Mr. KENDRICK. I yield.

Mr. KING. I just want to state to the Senator from New York that his position shows that he does not know the record, and he is assuming something that can not be substantiated from the record. He is so anxious to precipitate himself into this debate that he forgets the facts.

Mr. COPELAND. Mr. President, if the Senator from Wyoming will yield for one moment; I think some of us who stayed here all night and tried to get the facts last night are in even better temper than the Senator from Utah, who comes in cross even though he had a night's sleep. But I can not see what facts the Senator refers to. If the facts are as stated by the Senator from Wyoming—and I have his assurance that what he states are the facts—I think the assumption which I have reached is entirely correct.

Mr. KENDRICK. I referred a moment ago to the question of the division of the waters between Arizona and California. When the compact was entered into at Santa Fe between the seven States, each one of the States had appointed a commissioner to represent it, and all the commissioners signed the compact. As it seemed at the time, for all practical purposes, the compact allocated the water into what were known as the upper and lower basins. I may say that the allocation to the upper basin was entirely consistent, because the physical condition in the four upper-basin States divides the water naturally, and under the terms of the compact each State was allowed to use, practically and substantially, the water that had its source within the borders of that State. So it was just as well that there was no subdivision of the waters between the four upper-basin States.

When it came to the lower-basin States, that was an entirely different matter. Arizona in asking for a subdivision of the water between herself and California was raising the exact question that concerned the people in the upper-basin States, that of protecting against the acquisition of priorities down the stream after the water had passed her borders and because of prior development. So, as I understood it, Arizona was entirely right in that contention, and she refused to ratify until such a

division was made. Subsequent events compel the belief, and, in fact, I think when studied will leave no doubt whatsoever, that California is ready and willing to agree with Arizona on any kind of a reasonable division of the water. There is on my desk now a letter which has been referred to heretofore by the Senator from California, written by the mayor of San Diego, in which he stated that the commissioners appointed by the two States had met, as I understand it, in San Diego, and after certain preliminaries had practically agreed upon a division of the waters between the two States. This agreement provided that Arizona should have all of the water for her own use—that is, the right to use it within her own borders—which originates in the State of Arizona, and then she should have one-third of the flow of the Colorado River. As I understood the tone of the letter, that adjustment seemed fair to the representatives of Arizona at the time, though they contended they had not the authority to sign an agreement to that effect.

But it seems, as we have already been told, that this question was not the only one. Arizona contended, and, as I understand it, now contends, that she should have certain payments per horsepower for all the power generated within the borders of her State. I do not believe that this contention can be maintained.

In my opinion it is in conflict with the Federal water power act, and is also inconsistent with the Constitution of the United States. In any event I have reason to believe that it would defeat the purpose of the bill in securing from the production of the power the money with which to return to the Government the cost of construction. Inasmuch as the power plan does deal with the production of power, it is a perfectly consistent thing, as proposed by the Senator from Nevada [Mr. PITTMAN] that the power produced should be divided between the States. As already indicated, we of the upper basin are not interested in this controversy. We do not ask for any of the benefits of the power nor any division of the power. We will take care of those things in our own way and in our own section of the river when the time comes. Passing on from that point, I want to say that I believe it would be just as consistent for the Senators from Alabama to say that no power should be produced at the Muscle Shoals Dam unless the State of Alabama should receive a royalty per horsepower on that production. In view of the unusual proposition to levy a per horsepower tax on a Government-constructed and Government-owned dam, the conviction is inescapable that Arizona is disposed to use California's necessity as her opportunity in creating an equity to accrue to herself which does not otherwise exist.

As already stated, the upper-basin States are not particularly interested in the controversy between those States in the lower basin.

Arizona may well plead for the protection of her heritage, but I ask the Senator from Arizona [Mr. ASHURST], who stated so eloquently last evening that he maintained an attitude of broadmindedness and vision that compelled him to remember at all times that he was a United States Senator, and I ask those who are opposing the pending legislation to bear well in mind the risk to which my State is exposed in the loss of this the greatest asset the State has, not excepting her enormous mineral wealth. We, too, are facing an emergency.

We have no war with Arizona or with any other State that would remain out of the compact, and we do not believe that by this action we are going to in any way interfere with, intimidate, or deny to Arizona or Utah or any other State any of their equities and rights simply because we propose to deal with our own resources and reach in our own way and to the best possible advantage a composition of the differences in regard to the resources of the Colorado River. As I have already stated, the seven States are sustaining a common loss of 100,000 acre-feet of water annually. These seven States are also to-day standing in the shadow of a grave danger in connection with the issuance by the Federal Water Power Commission of permits to proceed with the building of power plants in the Colorado River Canyon.

Mr. WHEELER. Mr. President, will the Senator yield to me for just a moment?

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Montana?

Mr. KENDRICK. Yes.

Mr. WHEELER. The Senator said something about the power companies going in there. I did not catch just what he meant by that.

Mr. KENDRICK. This is the answer: For the past three or four years the power companies have importuned the Federal Water Power Commission for permits to begin the construction of dams for the purpose of generating hydroelectric power. At

least two, if not three, times the governors of the Western States, in complete concurrence with the people interested among the seven States, have joined wholeheartedly in urging delay in granting such authority until the States shall have an opportunity to reach an agreement; and in each case, if I am not mistaken, the Federal Water Power Commission has given us one more lease of life.

The commissioners have informed us in effect, "We will withhold authority to begin construction for at least a reasonable time so that the States interested will have one more chance to get together and proceed with their development." The point involved there is that if the compact should be entered into between the States, it will forever, as I believe, foreclose the opportunity of power companies to establish priorities of rights on account of the power.

Mr. WHEELER. In other words, the Senator feels that the waters of the river ought to be used for irrigating the lands of the West rather than for power purposes?

Mr. KENDRICK. There should be preferred uses, as is indicated in the Colorado River compact, first for municipal purposes, second for agricultural purposes, and third for power purposes, in the order which I have named. That is written in the compact, and in every case, as I have said, where an application has been made the power companies have, as I am told, agreed to concede that preferred use of the water. Of course the power companies which are asking for permits to proceed with such development are claiming that they are perfectly willing to concede prior use to agriculture and irrigation, but we all know the benevolent attitude of corporations. If they ever begin the development of power we are going to be reminded of the old couplet:

The devil was sick—the devil a monk would be.

We know we are going to have our troubles and we are going to sustain losses on account of power development if we ever come to that proposition.

Mr. President, the vital need of the upper-basin States to protect against the acquisition of priorities in the lower basin becomes more evident in view and because of Supreme Court decisions, one of which will suggest the exact situation. In the case of *Wyoming v. Colorado* (vol. 259, U. S. Repts., p. 423), the court held:

The question of the effect of State lines upon the rights of appropriators in different States has been before the courts of the arid region in a number of cases. The universal holding is, that priority of appropriation gives priority of right on interstate streams, the same as on streams wholly within one State.

Therein lies the whole difficulty with our upper-basin States, because of the fact that if priorities are first established lower down the streams there is every reason to expect that those priorities to that extent will forever deny the people in the upper basin the use of the water. We of the western plains proved long ago that the only plan of conservation in the use of water is to apply it first on the higher levels of the stream, and under such application there is an enormous return flow to the streams. It has been demonstrated over and over again that irrigation in the higher levels of a stream does not decrease or limit the flow of such stream lower down; it does serve to make such flow more dependable and uniform in volume. This is due to the fact that irrigation in the higher level of a stream serves much the same purpose as any other kind of storage.

The waters that flow down from the mountain sides, as if "poured from the hollow of His hand," are not, as a rule, the melting snow banks but are waters that have filtered away in the ground and find their way into the streams after long periods of time.

Within the drainage of the Colorado River it is shown by actual surveys that the area of irrigable lands in the several States is as follows: Colorado, 1,758,000 acres; Utah, 815,000 acres; Arizona, 1,177,000 acres; Wyoming, 910,000 acres; New Mexico, 517,000 acres; Nevada, 7,000 acres; and California, 939,000 acres.

Mr. President, at the extreme head of the Colorado River, within the boundaries of Wyoming and what is known as the Green River Basin, lie these 910,000 acres of undeveloped land. Five hundred thousand acres of these lands are found in one contiguous tract, which constitutes, so far as I know, one of the very largest solid blocks of land suitable for reclamation which is left untouched in the United States. Lying hundreds of feet just above it, under the shadow of Fremont Peak, are eight great mountain lakes which may be used for reservoir sites. There is an abundance of water for the reclamation of this land, and at moderate cost sufficient reserve water may be impounded in these reservoirs. To perpetuate the use of these waters for the lands described constitutes the great benefit

which my State is to derive from the enactment of this legislation.

Mr. WHEELER. Mr. President, can we not have order in the Chamber?

The PRESIDING OFFICER (Mr. McKELLAR in the chair). The point of order is well taken. The Senate will be in order.

Mr. ASHURST. Mr. President, the Senator from Wyoming [Mr. KENDRICK], to my mind, is making one of the clearest, one of the fairest, and, I think, when it is read it will be discovered to be one of the most comprehensive speeches that has been made with respect to the Colorado River Basin. There are large numbers of us here who are anxious to hear him, and we desire that order shall be preserved in the Chamber.

The PRESIDING OFFICER. The Senate will be in order.

Mr. KENDRICK. An examination of the map will show that nearly every one of the great rivers of the West has its origin in the State of Wyoming, and in many instances these streams flow directly across the line into other States. It is also true that the State of Wyoming has a vast territory of irrigable land which at present, because of limited rainfall, is unproductive. The still further fact applies that the lands nearer the mountains involve a higher per acre cost of development than do those which are farther removed from the mountains. Very naturally, reclamation is proceeding across our State line in advance of such development in Wyoming and other Mountain States. The result of this is that our neighboring States are acquiring prior rights to the waters of Wyoming in reclaiming vast tracts of land, while Wyoming is denied the benefit of such reclamation, at least for a time.

The inequality of this situation is better understood by a study of Wyoming's contribution to the reclamation fund. Second only in importance to her millions of irrigated and irrigable lands, Wyoming contains within her borders the largest storehouse of the baser minerals of any State of the Union. When the natural resource act was passed it was provided that 37½ per cent of the royalties derived from the operation of the law should be paid to the State from which the mineral came and 52½ per cent should be paid to the reclamation fund. With a well-justified faith in Wyoming's resources, the Hon. F. W. Mondell, her Representative in the House, and the Wyoming Senators made a special plea for a provision in the bill that would allocate the funds derived from mineral royalties in a State to the reclamation of lands of that State. This provision was rejected by the Congress. That the faith of Wyoming's Representatives was well justified is shown by the almost \$30,000,000 which she has already contributed to the reclamation fund under the operation of the natural resource act.

I wish now to give to the Senate a single striking illustration of Wyoming's experience with a sister State in the development of the North Platte River. When the Reclamation Bureau began the development of the valley of the North Platte River, the territory first examined and considered for development was located about one-third in Nebraska and two-thirds in Wyoming. As the development proceeded, it was found that the lands of Wyoming involved a higher per acre cost for irrigation than those farther down the river, and no doubt, in order to make the best showing for a given amount of money, the department began to eliminate from its plan of development the lands of Wyoming and to increase the territory irrigated within the sister State of Nebraska. The final result shows to date, lands reclaimed in Nebraska, 103,063 acres; in Wyoming, 27,058; or instead of one-third in Nebraska and two-thirds in Wyoming we have approximately three-fourths in Nebraska and one-fourth in Wyoming. These figures have a more important meaning in view of conditions governing this situation. A measurement of the waters of the North Platte at Whalens Canyon shows a flow of about 1,600,000 feet, in Nebraska the flow is about 500,000 or 600,000 feet, indicating that Wyoming furnishes about three-fourths of the water and Nebraska one-fourth. Since the enactment of the natural resource act, Nebraska has contributed to the fund \$39,770. Wyoming has contributed \$29,913,093.74. These figures have been furnished me by the Reclamation Department. Under such an inequitable distribution of benefits it is but natural that the people of Wyoming should become impatient and even resentful.

It happens that one of the subdivisions of the original plan of reclamation in the North Platte River Basin, which was afterwards at least temporarily abandoned, was known as the Casper-Alcova project, containing about 75,000 acres of land contiguous to the city of Casper, with a population of 30,000 people. This city includes various industries, among which are two main-line railroads, and more particularly the second largest oil refinery in the world. Practically adjoining this city on the north are the great oil fields of Salt Creek, a community of several thousand people.

Under present conditions there is no agricultural production in this section and it is therefore necessary not only for the city and town mentioned, but other communities in the neighborhood to ship in all of the food products which they consume. It also occurs that the oil field referred to, located in the same county with the Casper-Alcova project, has contributed to the reclamation fund within the past six years \$23,000,000.

Actuated by a spirit of impatience and even resentment, the people of Wyoming selected a small committee of six prominent citizens, including in its membership two ex-governors, together with the State engineer, who is at present the chief executive of the State, and sent them to Washington to urge upon Congress the necessity of initiating development on this project, where a local market could be had for everything in the way of agricultural products that could be produced. The delegation appeared before the House and Senate Committees on Reclamation and Irrigation. After hearing the testimony of the witnesses, the committee of the Senate promptly reported a bill for the initiation of development on the Casper-Alcova project. Within a few days thereafter the bill was passed unanimously by the Senate, both the Senators from Nebraska and from Colorado approving the measure on its merits. A similar bill was introduced in the House. That bill was also reported favorable by the Committee on Irrigation and Reclamation and was placed on the House Calendar about one year ago, and there it has remained to this day because the Representatives from the State of Nebraska, as I am informed, objected to action on the ground that the States of Nebraska and Wyoming had not agreed upon a division of the waters of the North Platte River.

Hoping to bring about an adjustment of this situation and to secure action on the Casper-Alcova bill, I introduced here in the Senate a measure providing for voluntary action on the part of the three States interested in the waters of the Platte River. This measure provided for the appointment of a commissioner from each of the three States—Colorado, Nebraska, and Wyoming—and the appointment of a fourth commissioner by the President to represent the Department of the Interior. Section 3 of this measure provided:

No such compact or agreement shall be binding or obligatory upon either of such States unless and until it has been approved by the legislature of each of such States and by the Congress of the United States.

This shows the entirely voluntary character of the measure. In substance it provided an orderly way for the three States interested in these waters to reach an agreement as to a division of the water, and which would prove effective in solving this complicated question. This measure also passed the Senate, went to the Committee on Reclamation and Irrigation in the House, was reported favorably by that committee about a month ago, and was placed on the House Calendar. When it was reached on the Unanimous-Consent Calendar recently the representative from the district, including the North Platte Valley of Nebraska, objected to the consideration of the measure because he "had not heard from some people at home." Think of such a situation; Wyoming furnishes three-fourths of the water, all of the reservoir sites, and a large share of the funds employed by the Reclamation Bureau in development in all of the States. In the basin of the North Platte River, where the two States are jointly interested, Wyoming receives one-fourth of the development and Nebraska receives three-fourths; and yet Nebraska denies to Wyoming the right to employ any of her own resources in the development of her own territory.

Let it be understood that a mere assumption of ownership of the waters of Wyoming will not be conclusive with the people of Wyoming. Wyoming has never invited contention with her neighbors; on the other hand, she has sought constructive cooperation. If her neighbors voluntarily open a row, we of Wyoming propose to sit in the game with them and help them finish it.

The foregoing is important only as a signal indicating the dangers we now face in connection with the waters of the Colorado River. Available lands in the North Platte Basin would not exceed 200,000 acres, while those in the basin of the Green River, on the head of the Colorado River, exceed a million acres.

Mr. President, under the provisions of the natural resource act, Wyoming is contributing a disproportionate amount of her vast resources to the reclamation fund. This fact of itself does not disturb our people, but we give notice here and now that in so far as it is possible to prevent we do not intend in the future that our neighboring States shall employ the funds drawn from the mineral resources of Wyoming in establishing inequitable priorities to the waters that have their source within the State of Wyoming.

This is one of the primary reasons why we are for the Swing-Johnson bill.

Finally, Mr. President, the enactment of this legislation will open the door of opportunity to seven Western States; and the pity of it all is that we who would benefit by such opportunities are unable, at this critical time, to harmonize our differences and to proceed under a plan of salutary action in the development of this great river throughout its course from the Rocky Mountains to the Gulf of California. This measure involves one of the greatest plans of conservation ever attempted in the history of the Nation. By protecting the States of the lower basin against floods and properly regulating the flow of the Colorado River, it will render fruitful a territory not unlike the valley of the Nile. By allocating an equitable proportion of the waters to the States of the upper basin, it will provide for the highest economic use of that water. It will transform more than 6,000,000 acres of arid and unproductive lands into productive and prosperous farms and ranches. It will provide homes for thousands of people yet unborn; it will fill this waste land with the scenes and sounds of the countryside where now reigns only the silence of desolation.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hattigan, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 13446) to restore the rate of postage of 1 cent each to private mailing or post cards, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. GRIEST, Mr. RAMSEYER, Mr. SANDERS, Mr. BELL, and Mr. ROUSE were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 57) inviting the full cooperation of the legislatures and the chief executives of the respective States and Territories of the United States in the celebration of the two hundredth anniversary of the birth of George Washington, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution and they were thereupon signed by the Vice President:

S. 722. An act to authorize the selection of certain publicly owned lands by the State of Oregon;

S. 2714. An act to authorize the cancellation, under certain conditions, of patents in fee simple to Indians for allotments held in trust by the United States;

S. 4411. An act granting the consent of Congress to compacts or agreements between the States of South Dakota and Wyoming with respect to the division and apportionment of the waters of the Belle Fourche and Cheyenne Rivers and other streams in which such States are jointly interested;

S. 4812. An act amending the statutes of the United States as to procedure in the Patent Office and in the courts with regard to the granting of letters patent for inventions and with regard to interfering patents;

S. 4910. An act granting certain lands to the State of New Mexico for the use and benefit of New Mexico College of Agriculture and Mechanic Arts, for the purpose of conducting educational, demonstrative, and experimental development with livestock, grazing methods, and range forage plants;

S. 4957. An act to amend section 129 of the Judicial Code, allowing an appeal in a patent suit from a decree which is final except for the ordering of an accounting;

S. 4974. An act to amend and reenact an act entitled "United States cotton futures act," approved August 11, 1916, as amended;

S. 5082. An act authorizing an appropriation of \$8,600,000 for the purchase of seed grain, feed, and fertilizer to be supplied to farmers in the crop-failure areas of the United States, and for other purposes;

S. 5585. An act to extend the time for construction of a bridge across the southern branch of the Elizabeth River, near the cities of Norfolk and Portsmouth, in the county of Norfolk, State of Virginia;

S. 5588. An act granting the consent of Congress to the Big Sandy & Cumberland Railroad Co. to construct and maintain and operate a bridge across the Tug Fork of Big Sandy River at Devon, Mingo County, W. Va.;

S. 5598. An act to extend the time for constructing a bridge across the Ohio River approximately midway between the city of Owensboro, Ky., and Rockport, Ind.;

S. 5620. An act granting the consent of Congress to John R. Scott, Thomas J. Scott, E. E. Green, and Baxter L. Brown, their

successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River;

H. R. 10485. An act for the relief of William C. Harllee; and S. J. Res. 120. Joint resolution authorizing the acceptance of title to certain lands in Teton County, Wyo., adjacent to the winter elk refuge in said State established in accordance with the act of Congress of August 10, 1912 (37 Stats. L. p. 293).

ELECTRIC POWER COMPANIES

The VICE PRESIDENT laid before the Senate a communication from the chairman of the Federal Trade Commission, transmitting, in partial response to Senate Resolution 329, Sixty-eighth Congress, second session (agreed to February 9, 1925), a report dealing with the organization, control, and ownership of commercial electric power companies, which, on motion of Mr. NORRIS, was ordered to lie on the table and to be printed with the illustrations.

MUSCLE SHOALS

The VICE PRESIDENT laid before the Senate the following communication from the Governor of Alabama, which was referred to the Committee on Agriculture and Forestry and read, as follows:

EXECUTIVE DEPARTMENT, STATE OF ALABAMA,
Montgomery, February 21, 1927.

The VICE PRESIDENT OF THE UNITED STATES,
Washington, D. C.

DEAR SIR: Believing that the State of Alabama owns, subject to navigation and war rights of the United States, the bed, shores, water, and the power in the water of that part of the Tennessee River within Alabama, the Legislature of the State of Alabama has created a commission, known as the Muscle Shoals Commission. This commission is charged with the duty to investigate the right, title, and interest of the State in and to the power dam, power site, and other improvements at Wilson Dam and Muscle Shoals, to report back to the legislature its findings and conclusions, and to recommend such legislation as will preserve and conserve such right, title, and interest.

As Governor of the State of Alabama, I am directed by the Muscle Shoals Commission, and the Alabama Public Service Commission, to give to interested parties formal notice of the intention of the duly constituted authorities of the State to undertake to protect and preserve such rights of the State of Alabama as the commission's investigation may reveal. The State further gives notice of its intention to claim and to assert Alabama's interest in the dam at Muscle Shoals, Alabama's ownership of the bed, shores, and water of that part of the Tennessee River within the State of Alabama, as well as its ownership of the power heretofore developed and hereafter to be developed at Muscle Shoals.

Respectfully,

BIBB GRAVES, Governor.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint memorial of the Legislature of the State of Oregon, which was referred to the Committee on the Library:

DEPARTMENT OF STATE, STATE OF OREGON,
Salem, February 17, 1927.

To the honorable the PRESIDENT OF THE UNITED STATES SENATE,
Senate Chamber, Washington, D. C.

DEAR SIR: I have the honor to transmit herewith for your information certified copy of Senate Joint Memorial No. 9, adopted by the Senate and House of Representatives of the Thirty-fourth Legislative Assembly of the State of Oregon and filed in the office of the secretary of state of the State of Oregon February 16, 1927.

Very respectfully,

SAM A. KOZER, Secretary of State.

Senate Joint Memorial 9

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

Whereas the department of Oregon, the United Spanish War Veterans, at their annual encampment at Port Orford, Oreg., in 1925, appointed a committee to erect a monument in memory of Theodore Roosevelt on Battle Rock, one of the most westerly points on the mainland of the United States; and

Whereas the Roosevelt Highway is being built by the State of Oregon and the Federal Government and passes within a stone's throw of Battle Rock, and the said monument when erected will be viewed by hundreds of thousands of tourists passing along this highway, which when completed will be the most marvelous and scenic highway in the world; and

Whereas Theodore Roosevelt, while born in the East, typified the true western American spirit greater than any American President in history, and a monument erected to his memory here, gazing westward across the vast expanse of the Pacific Ocean will be an inspiration to all of our people and, especially the younger generation, viewing it to fashion their lives more in harmony with the ideals he espoused; and

Whereas the cost of this memorial statue will be \$50,000, of which sum the Spanish War Veterans will be able to contribute \$25,000: Now, therefore, be it

Resolved by the Senate of the State of Oregon (the House of Representatives jointly concurring therein), That we, your memorialists, the Senate of the State of Oregon, the House of Representatives concurring, respectfully ask that Congress make an appropriation to assist the Spanish War Veterans in erecting this memorial statue and appropriate in aid thereof the sum of \$25,000.

Adopted by the senate February 8, 1927.

HENRY L. CORBETT,
President of the Senate.

Concurred in by the house of representatives February 14, 1927.

JOHN H. CARLIN,
Speaker of the House.

[Indorsed: Senate Joint Memorial No. 9. Introduced by Senator Upton. John P. Hunt, chief clerk. Filed February 16, 1927, Sam A. Kozer, secretary of state.]

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, Sam A. Kozer, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of Senate Joint Memorial No. 9 with the original thereof adopted by the Senate and House of Representatives of the Thirty-fourth Legislative Assembly of the State of Oregon and filed in the office of the secretary of state of the State of Oregon February 16, 1927, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof, I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 17th day of February, A. D. 1927.

[SEAL.]

SAM A. KOZER,
Secretary of State.

Mr. SHIPSTEAD presented the following resolutions adopted by the Legislature of the State of Minnesota, which were ordered to lie on the table:

Whereas there is now pending in the Senate of the United States Senate bill No. 3027, known as the Tyson bill, and the same bill is now pending in the United States House of Representatives, designated as House bill No. 4548; and

Whereas both of said bills provide for the retirement of disabled emergency Army officers on equal pay and under the same conditions provided for the retirement of disabled Regular Army officers and disabled emergency officers of the Navy and Marine Corps; and

Whereas all officers disabled in line of duty in the service of the United States during the World War are allowed to be retired on 75 per cent of the pay given their rank at time of disability, except the emergency Army officers disabled in line of duty during the World War; and

Whereas it is simple justice to the officers who served during the emergency of the World War as emergency officers of the United States Army and who were disabled to receive the same benefits accorded disabled emergency officers of the Navy and Marine Corps: Therefore be it

Resolved by the House of Representatives of the State of Minnesota, That we request the Congress of the United States to pass Senate bill No. 3027, or its companion bill in the House, being House bill No. 4548, or some other measure designed to give relief to said disabled emergency officers as provided in said bills; and be it further

Resolved, That the secretary of the house be instructed to furnish each Member of the Minnesota delegation in Congress and the President of the United States with a copy of this resolution.

Adopted by the House of Representatives of the State of Minnesota the 8th day of February, 1927.

JOHN A. JOHNSON,
Speaker of the House of Representatives.
JOHN J. LEWIS,
Chief Clerk, House of Representatives.

Mr. SHIPSTEAD also presented petitions of sundry citizens of Minneapolis and vicinity, in the State of Minnesota, praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. WARREN presented a petition of sundry citizens of Natrona County, Wyo., praying for the passage of legislation granting increased pensions to Civil War soldiers and their dependents, which was referred to the Committee on Pensions.

Mr. COPELAND presented petitions of sundry citizens of the State of New York, praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. DILL presented petitions of sundry citizens of Spokane and Seattle, in the State of Washington, praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

He also presented a memorial of sundry citizens of Spokane, Wash., remonstrating against the passage of the bill (S. 4821) to provide for the closing of barber shops in the District of Columbia on Sunday, or any other legislation religious in character, which was referred to the Committee on the District of Columbia.

Mr. WILLIS presented petitions of sundry citizens of the State of Ohio, praying for the prompt passage of legislation granting increased pensions to Civil War veterans, which were referred to the Committee on Pensions.

He also presented a memorial of sundry citizens of Cleveland, Ohio, remonstrating against the passage of the bill (S. 4821) to provide for the closing of barber shops in the District of Columbia on Sunday, or any other legislation religious in character, which was referred to the Committee on the District of Columbia.

He also presented resolutions adopted by Akron (Ohio) Post No. 209, the American Legion, favoring the establishment in northern Ohio of a hospital, with a bed capacity of 300, for the care of ex-service men suffering from neuropsychiatric diseases, which were referred to the Committee on Finance.

Mr. WALSH of Massachusetts presented petitions of sundry citizens of the State of Massachusetts, praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Harvard, Mass., praying for the passage of the so-called McNary-Woodruff bill, being Senate bill 718, authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, designed for the protection of watersheds of navigable streams, which was referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES

Mr. KENDRICK, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them each without amendment, and submitted reports thereon: A bill (H. R. 9640) to add certain lands to the Shoshone National Forest, Wyo. (Rept. No. 1575); and

A bill (H. R. 10467) authorizing the city of Boulder, Colo., to purchase certain public lands (Rept. No. 1578).

Mr. METCALF, from the Committee on Patents, to which was referred the bill (S. 4811) to protect trade-marks used in commerce, to authorize the registration of such trade-marks, and for other purposes, reported it with amendments and submitted a report (No. 1576) thereon.

Mr. MAYFIELD, from the Committee on Claims, to which was referred the bill (H. R. 11852) for the relief of M. Tillery and Mrs. V. D. Tillery, reported it without amendment and submitted a report (No. 1577) thereon.

Mr. CURTIS, for the senior Senator from Utah [Mr. Smoot], who is detained because of illness in his family, I report two bills for the calendar.

The PRESIDENT pro tempore. The reports will be received.

Mr. CURTIS (for Mr. Smoot), from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 13050) releasing and granting to the State of Utah and the University of Utah any and all reversionary rights of the United States in and to the grounds now occupied as a campus by the University of Utah (Rept. No. 1579); and

A bill (H. R. 13212) granting certain lands to the city of Bountiful, Utah, to protect the watershed of the water-supply system of said city (Rept. No. 1580).

Mr. COPELAND, from the Committee on Naval Affairs, to which were referred the following bills, reported them severally with an amendment and submitted reports thereon:

A bill (H. R. 1691) for the relief of Henry F. Downing (Rept. No. 1581);

A bill (H. R. 4600) for the relief of Frederick D. W. Baldwin (Rept. No. 1584); and

A bill (H. R. 5263) for the relief of Charles James Anderson, former commander United States Naval Reserve Force (Rept. No. 1582).

He also from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 1840) for the relief of Edward A. Grimes (Rept. No. 1583); and

A bill (H. R. 6697) for the relief of Alfred W. Mathews, former ensign, United States Naval Reserve Force (Rept. No. 1585).

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on February 23, 1927, that committee presented to the President of the United States the following enrolled bills:

S. 1155. An act for the relief of Margaret Richards;

S. 1515. An act to extend the benefits of the employees' compensation act of September 7, 1916, to Daniel S. Glover;

S. 1517. An act authorizing and directing the Secretary of the Treasury to pay to W. Z. Swift, of Louisa County, Va., the insurance due on account of the policy held by Harold Rogis;

S. 1899. An act for the relief of Delaware River Towing Line;

S. 2090. An act for the relief of Alfred F. Land;

S. 2353. An act to amend the military record of Leo J. Pourciau;

S. 2474. An act for the relief of the Riverside Contracting Co.;

S. 2619. An act for the relief of Oliver J. Larkin and Lona Larkin;

S. 2770. An act to confer United States citizenship upon certain inhabitants of the Virgin Islands and to extend the naturalization laws thereto; and

S. 2899. An act for the relief of the owners of the American steamship *Almirante* and owners of the cargo laden aboard thereof at the time of her collision with the U. S. S. *Hisko*.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. RANDELL:

A bill (S. 5797) granting the consent of Congress to the Fisher Lumber Corporation to construct, maintain, and operate a railroad bridge across the Tensas River in Louisiana; to the Committee on Commerce.

By Mr. PEPPER:

A bill (S. 5798) for the relief of Atlantic Refining Co., a corporation of the State of Pennsylvania, owner of the American steamship *H. C. Folger*, v. U. S. S. *Connecticut*; to the Committee on Claims.

By Mr. RANDELL:

A bill (S. 5799) to regulate interstate shipments of cotton, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. DILL:

A bill (S. 5800) to provide for a preliminary examination and survey of Grays Harbor, Wash.; to the Committee on Commerce.

By Mr. FESS:

A bill (S. 5801) to conserve the revenues from medicinal spirits and provide for the effective Government control of such spirits, to prevent the evasion of taxes, and for other purposes; to the Committee on Finance.

By Mr. SHEPPARD:

A bill (S. 5802) to transfer Willacy County, in the State of Texas, from the Corpus Christi division of the southern district of Texas to the Brownsville division of such district; to the Committee on the Judiciary.

AMENDMENTS TO SECOND DEFICIENCY APPROPRIATION BILL

Mr. PHIPPS submitted an amendment proposing to appropriate \$350,000 to enable the Secretary of Agriculture to construct at Bear River Bay and vicinity, Utah, such dikes, ditches, spillways, buildings, and improvements as may be necessary, in his judgment, for the establishment of a suitable refuge and feeding and breeding ground for migratory wild fowl, etc., intended to be proposed by him to House bill 17291, the second deficiency appropriation bill for the fiscal year 1927, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FLETCHER submitted an amendment intended to be proposed by him to House bill 17291, the second deficiency appropriation bill for the fiscal year 1927, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 48, after line 2, to insert:

"Naval air station, Pensacola, Fla.: For construction of Bayou Grande bridge and water line, \$200,000."

AMENDMENT OF THE FEDERAL HIGHWAY ACT

Mr. ODDIE submitted an amendment intended to be proposed by him to the bill (S. 4530) amending sections 11 and 21 of the Federal highway act, approved November 9, 1921, amending paragraph 4, section 4, of the act entitled "An act making appropriations for the Post Office Department for the fiscal year ending June 30, 1923, and for other purposes," prescribing

limitations on the payment of Federal funds in the construction of highways, and for other purposes, which was ordered to lie on the table and to be printed.

POSTAL RATES

Mr. MOSES. I ask the Chair the lay before the Senate the action of the House on House bill 13446.

The PRESIDING OFFICER (Mr. McKellar in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13446) to restore the rate of postage of 1 cent each to private mailing or post cards, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MOSES. I move that the Senate insist upon its amendments, accede to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. Moses, Mr. Phipps, and Mr. McKellar conferees on the part of the Senate.

Mr. COPELAND. The Chair was very hasty in appointing conferees. I wish to put myself on record as one Senator that I want to see the Senate amendments adopted, and I hope the Senator in charge of the bill is going to insist upon the adoption of these amendments.

Mr. MOSES. I will say to the Senator from New York that the three conferees who have been named on the bill are pretty robust in their opinion with reference to the matters contained in the bill and are also pretty robust in their opinion as to their duties as conferees.

Mr. COPELAND. I trust the conferees will prove themselves to be robust in the results of the conference.

TRANSPORTATION OF BLIND PERSONS

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2615) to authorize common carriers engaged in interstate commerce to transport any blind person, accompanied by a guide, for one fare, which was to amend the title so as to read: "An act to amend paragraph (1) of section 22 of the interstate commerce act by providing for the carrying of a blind person, with a guide, for one fare."

Mr. WADSWORTH. The House amendment is merely a change in the title. It makes no substantive change in the text of the bill. I move that the Senate concur in the House amendment.

The motion was agreed to.

TWO HUNDREDTH ANNIVERSARY OF THE BIRTH OF WASHINGTON

The PRESIDING OFFICER laid before the Senate the concurrent resolution (H. Con. Res. 57) inviting the full cooperation of the legislatures and the chief executives of the respective States and Territories of the United States in the celebration of the two hundredth anniversary of the birth of George Washington, which was read, as follows:

Whereas the joint resolution of Congress approved December 2, 1924, created the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of George Washington, composed of 19 commissioners, as follows: The President of the United States; Presiding Officer of the Senate and the Speaker of the House of Representatives ex officio; 8 persons appointed by the President of the United States; 4 Senators and 4 Representatives, whose duty it is to prepare a plan or plans and a program signaling the two hundredth anniversary of the birth of George Washington, and to take such steps as may be necessary in the coordination and correlation of plans prepared by State commissions or by bodies created under appointment by the governors of the respective States and by representative civic bodies: Therefore be it

Resolved by the House of Representatives (the Senate concurring). That the Congress of the United States earnestly and respectfully invites the full cooperation of the legislatures and chief executives of the respective States and Territories of the United States in the execution of the joint resolution of Congress creating the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of George Washington in such manner as may seem to them most fitting, to the end that the bicentennial anniversary of the birth of him who was "first in war, first in peace, and first in the hearts of his countrymen"—the pioneer, the soldier, the statesman, the husbandman, the exemplar of American citizenship, George Washington, may be commemorated in the year 1932 in such manner that future generations of American citizens may live according to the example and precepts of his exalted life and character and thus perpetuate the American Republic; and be it further

Resolved. That an engrossed copy of these resolutions be transmitted by the Clerk of the House of Representatives to the presiding officers of the senate and house of representatives of the legislature and to the chief executive of each State and Territory of the United States.

Mr. FESS. I ask unanimous consent for the immediate consideration of the concurrent resolution.

The concurrent resolution was considered by unanimous consent and agreed to.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On February 15, 1927:

S. 4553. An act granting the consent of Congress to the Chesapeake Bay Bridge Co. to construct a bridge across the Chesapeake Bay from a point in Baltimore County to a point in Kent County, in the State of Maryland.

On February 21, 1927:

S. 68. An act authorizing Dominic I. Murphy, consul general of the United States of America, to accept a silver fruit bowl presented to him by the British Government;

S. 598. An act for the relief of Alexander McLaren; and

S. 5259. An act granting permission to Maj. Charles Beatty Moore, United States Army, to accept the following decorations, namely, the Legion of Honor tendered him by the Republic of France, and the officers' cross of the Order Polonia Restituta tendered him by the Republic of Poland.

On February 23, 1927:

S. 4756. An act for the relief of Capt. Ell's E. Haring and Edward F. Batchelor;

S. 5084. An act to provide for the payment of the amount of an adjusted service certificate to Irving D'Forest Parks, beneficiary, designated by Corp'l. Steve McNeil Parks, deceased; and S. 5622. An act authorizing the acceptance by the Navy Department of a site for an aviation training field in the vicinity of Pensacola, Fla., and for other purposes.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 4893. An act to authorize oil and gas mining leases upon unallotted lands within Executive order Indian reservations; and

S. 5671. An act to amend paragraph (c) of section 4 of the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress as expressed in sections 201 and 500 of the transportation act, and for other purposes," approved June 3, 1924.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

S. 2849. An act to provide for an additional Federal district for North Carolina;

S. 4876. An act providing for the erection of a monument on Kill Devil Hill at Kitty Hawk, N. C., commemorative of the first successful human attempt in history at power-driven airplane flight;

S. 5596. An act granting the consent of Congress to Dauphin Island Railway & Harbor Co., its successors and assigns, to construct, maintain, and operate a railroad bridge and approaches thereto and/or a toll bridge across the water between the mainland at or near Cedar Point and Dauphin Island; and H. R. 11064. An act for the relief of R. W. Hilderbrand.

BUREAUS OF CUSTOMS AND PROHIBITION

Mr. CURTIS. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of House bill 10729, a bill to create a bureau of customs and a bureau of prohibition in the Department of the Treasury.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent that the Senate proceed to the consideration of the bill that he has named. Is there objection?

Mr. EDWARDS. I object.

The PRESIDING OFFICER. The Senator from New Jersey objects.

Mr. CURTIS. Mr. President, before I make the motion I am about to make, which will be to take up the bill, I may state that I have had a conference with the Senator from Maryland [Mr. BRUCE] and others in regard to this measure, and we agree on all the amendments except one, and I believe that after some discussion we may be able to agree upon that. I thought it best to make that statement before I made my motion.

I now move that the Senate proceed to the consideration of H. R. 10729, a bill to create a bureau of customs and a bureau of prohibition in the Department of the Treasury.

Mr. JOHNSON. Mr. President—

Mr. CURTIS. I yield to the Senator.

Mr. JOHNSON. I want to be heard for just a moment concerning the motion.

Mr. CURTIS. After the question is stated, I will yield the floor.

The PRESIDING OFFICER. The Senator from Kansas moves that the Senate proceed to the consideration of House bill 10729.

Mr. HARRISON. Mr. President, before the question is put may I ask the Senator one question. If the motion prevails, having in mind what transpired the latter part of last week, will the Senator have objection to two hours' time being given to the consideration of the Muscle Shoals measure, this measure to be laid aside temporarily during that time?

Mr. CURTIS. If we can not get it through within a reasonable time. My own judgment is we can get this bill through within a reasonable time this afternoon.

Mr. BRUCE. Mr. President—

The PRESIDING OFFICER. Does the Senator yield to the Senator from Maryland?

Mr. CURTIS. I yield the floor.

Mr. JOHNSON. Mr. President, I do not wish to stand in the way of any legitimate legislation. I do not wish to object, indeed, to laying aside temporarily the very important measure which is now before the Senate in order that other business may be transacted, if it be essential that the measure should thus be laid aside; but I can not consent to permit, upon a vote, if I am able to prevent it, the displacing entirely of the business that is now before the Senate, the Boulder dam bill, upon which we have been debating for the last day and a half; it seems like a month and a half to me.

Mr. President, the reason why I can not consent is not on account of any hostility to the measure that is presented by the Senator from Kansas, not, I repeat, from a desire to monopolize the time of this body—because I would willingly consent to lay aside temporarily this measure in order that others might be considered—but the reason, sir, is because events have demonstrated that, so far as we are able, those of us who believe in the Boulder dam legislation must keep it before the Senate and ultimately endeavor to have the Senate act upon it.

I may say, sir, to you and to others who are familiar with this legislation, or attempted legislation, that to-day the House finally has given a rule with six hours debate upon a similar bill, and it is confidently expected, because the House has thus yielded a rule, that the bill will be passed in the House during this week. For this reason, I do not want to have the measure displaced. I trust that there may be some method by which we may consider all the bills that may be deemed to be appropriate or may be deemed important, but I hope that they may be considered without displacing the pending measure.

Mr. CURTIS. Mr. President—

Mr. JOHNSON. I yield.

Mr. CURTIS. If a rule has been brought into the House to consider the measure, would not the Senator save time if he should wait until the House measure reached the Senate and offer that as a substitute for the Senate bill?

Mr. JOHNSON. Not necessarily, because if we are displaced it will be rather difficult for us to determine when we will ever get back.

Mr. CURTIS. It can be taken up on motion.

Mr. JOHNSON. The opposition to the measure, skillful and able by various Senators, as is their right, that is presented here, is an opposition which must of course be taken into account in the endeavors we make to pass the bill; and for that reason I do not want to have it displaced, and I hope it will not be displaced.

Mr. BRUCE. Mr. President, I desire to say that I am delighted to see that the Senator from California [Mr. JOHNSON] is not willing to give his assent to any proposition looking to the exchange of whisky for Colorado River water. As far as I am concerned, there has never been a time when I should not have been glad to see the Senator have an opportunity to obtain a vote upon his bill, and I should have nothing to say if within the next half hour he could obtain a vote upon that measure. Personally, I do not expect to vote for it, but that is no reason why I should filibuster against it or attempt to obstruct its passage or to throw any obstacle of any kind in its pathway. But I do object at the present time to this contemplated displacement.

The Senator from Kansas always acts in perfect good faith whenever he deals with anyone. That has been my experience with him; and it is all very well for him to say that he thinks that an agreement may be arrived at between me and the sponsors of this prohibition reorganization bill with reference to the section in the bill to which I object, but I know, and every Member of this body knows, that, strong as the Senator from Kansas is, there are influences back of him and pushing him

forward stronger than he is, and, I regret to say, apparently stronger than the majority of the Members of this body.

The other night I supposed I had arrived at an agreement with my friend the senior Senator from Utah [Mr. SMOOT], whom I regard as one of the ablest and most useful public servants in this body.

Mr. CURTIS. Mr. President—

The PRESIDING OFFICER. Does the Senator yield to the Senator from Kansas?

Mr. BRUCE. I yield.

Mr. CURTIS. I should have stated that I made the motion to take up this bill at the request of the Senator from Utah [Mr. SMOOT], who is detained from the Senate because of the serious illness of his wife.

Mr. BRUCE. Yes; I regretted very much to hear that the wife of the Senator from Utah was so ill.

I thought I had arrived at an understanding with the Senator from Utah in relation to this bill. He said that he was perfectly satisfied with the amendments that I suggested. Unfortunately, however, through an oversight on his part, and my part, too, the amendment that was incorporated in the bill when it was last up overlooked the fact that assistant or deputy commissioners in the customs department of the Government are at present under the civil service law, and therefore should not be exempted from its operation. But the Senator from Utah informed me that, much to his regret, he had been unable to obtain the assent of the real sponsors of this bill—Wayne B. Wheeler and the rest—to the amendments that I proposed. He was frank and generous enough to say so, and nothing was left for me to do except to antagonize the bill as though no overtures of compromise had been made to me.

I shall oppose the consideration of the bill unless I am assured in advance of favorable action by the Senate upon my proposed amendment, which would eliminate from the bill paragraph (b) of section 5, which endeavors to bring all the prohibition field agents under the civil service law.

Of course, I speak only for myself. I have no right to speak for anybody else in this body with respect to the bill; not for the senior Senator from New Jersey [Mr. EDGE], for instance, nor for the junior Senator from New Jersey [Mr. EDWARDS], nor for anybody else. I am simply stating what I personally am willing to do with respect to the bill. If the section to which I have referred be stricken out, then I shall have no further objection to the measure. I have no objection to the organization of the proposed bureau of commerce nor to the organization of the proposed bureau of prohibition. All I insist upon is that no classified civil service employee shall be brought into intimate contact with the contaminating and corrupting influences of prohibition. I am too much wedded to the merit system of appointment; I took too active a part in its adoption by the Federal Government in my youth; my best efforts were too long enlisted in the application of that impersonal system of appointment to the subordinate officeholders of the State of Maryland and of the city of Baltimore to be willing that prohibition field agents, appointed under the merit system of appointment, should go the evil way that a large percentage of the prohibition field agents heretofore appointed have gone.

The fact was brought out last spring during the prohibition hearings that no less than 875 of some 10,000 prohibition officeholders had been dismissed since the enactment of the Volstead Act from the service of the Government, either for violations of the Volstead Act or for misconduct in some other form or other. And as I showed a few weeks ago, the debasing influence of the practical workings of prohibition has been just as pronounced since those hearings as before them.

Not a day elapses that there is not brought home to us the fact that some prohibition administrator or field agent or some State or city policeman has succumbed to the insidious temptations of prohibition.

Some of you will remember the two Pullman cars that went down from Ohio to the Federal prison at Atlanta freighted with policemen convicted of violations of the Volstead Act.

A few days ago we read of a large number of police officers in Florida who had just been convicted of offenses against the Volstead Act.

A short time ago we read that at a place in South Carolina, called "Hell Hole"—an appropriate name for any place where prohibition is doing its worst—that a number of State police officers had been convicted of participation in violations of the Volstead Act. And so it goes from month to month.

When the Volstead Act was under consideration Mr. Wayne B. Wheeler was not willing that the field prohibition agents should be brought within the scope of the Federal classified service. He wanted to trade the offices to be held by those agents for congressional votes. That fact was brought out some

time ago by Mr. Foulke, one of the former members of the Civil Service Commission. But now, having found that nearly 10 per cent of all the Federal prohibition officeholders appointed at the instance of church organizations or the Anti-Saloon League or himself have been depraved by the insidious effects of prohibition, Mr. Wheeler seeks the enactment of this bill into law.

Mr. REED of Missouri. Mr. President—

Mr. BRUCE. I yield to the Senator from Missouri.

Mr. REED of Missouri. The number of dismissals for cause nobody pretends covers the number of men who were prompted to resign or who might have resigned under charges. Neither does anybody pretend that we can even hazard a guess as to the number who were not caught and who were neither convicted nor compelled to resign in order to escape discharge or punishment under the law. So that 10 per cent does not at all cover the facts.

Mr. BRUCE. Not at all. It is fair to assume that not a few were not caught because so many other prohibition agents had no wish that they should be caught.

Mr. REED of Missouri. The prohibition director of the State of Missouri, appointed on the suggestion of the superintendent of the Anti-Saloon League, is one of those who is counted here, of course, but his case affords an example. This man, leading this movement in the State of Missouri, was attacking the character of good men. Finally a case was brought into court, and they started to take evidence regarding the gentleman himself. He compromised on an agreement that he would resign his office and cease his activities if the case were not pressed. I have not any doubt there are dozens of such cases right in the department.

Let me make the further suggestion to the Senator, if he will pardon me for making any suggestion—

Mr. BRUCE. With pleasure.

Mr. REED of Missouri. We never have had an investigation of the Prohibition Bureau. We had a hearing upon some bills. The hearing was limited in time. Subpoenas were denied for witnesses, and the evidence which was produced was just such evidence as could be obtained under circumstances of that kind, so there was no chance to follow up and ascertain what the real facts are with reference to the number of men who have been detected in culpable acts.

Mr. BRUCE. Unquestionably only the surface of the corrupt conditions created by prohibition has been opened up.

Now, existing methods of appointment to the prohibition field service having been brought into discredit, it is proposed that prohibition shall extend its corrupt sway into the sphere of the Federal classified service, too. I have not the slightest doubt, such is my confidence in the merit system of appointment, that prohibition field agents appointed under the Federal merit system of appointment would for a time be a decided improvement over the present prohibition field agents. But they, too, would succumb, for sooner or later all men seem to succumb to the degrading influence of this law, which works shipwreck of human character, because it has no real moral force behind it, because it is a violation of reason, because it is a violation of nature, because it attempts at all times and at all places and under all circumstances to make something criminal per se which is not essentially criminal at all. Those are the reasons why the Volstead Act commands no full measure of popular acquiescence. Those are the reasons why almost everybody, high or low, who has anything to do with its administration sooner or later becomes besmirched. We have had illustrations of the fact that even prohibition administrators yield to its base solicitations. So if we bring the prohibition field agents under the civil service system the only effect will be to vitiate that system, to bring it into popular disrepute, and to give political intriguers and spoliemen a better opportunity than they have ever had in the past to assert their unremitting hostility to it.

As I have often had occasion to say on the floor of the Senate, the State of Maryland ever since the enactment of the Volstead law has refused to enact any State prohibition enforcement law. The main reason why it has refused to do so is because it did not want the police force of Baltimore City to be tarred with the dirty stick of prohibition. What is the result?

Our police headquarters in the city of Baltimore are on one side of a square. The Federal district court is on the other side of the square. The Baltimore Evening Sun stated a few days ago that there has been one arrest for violation of the Volstead Act for every 200 inhabitants of the city of Baltimore. Day after day we have a file of bootleggers and other liquor offenders and their accomplices and abettors passing through the corridors of the Federal district court of Baltimore, and so overwhelming has been the pressure of the business of the

court resulting from prohibition that our Maryland Federal district judge—an able and active judge—is afraid that he will have to take to his bed and remain there indefinitely. He is, I am informed, more than a year behind with the business of his court. The suitor, the lawyer, the citizen, everybody is complaining of the arrearages that are clogging its docket. In this court, too, persons have been arrested and convicted who were present or former prohibition agents or individuals connected in some way or other with Federal prohibition enforcement.

How is it at the city police headquarters on the other side of the square? How far have they been protected from abuses by the refusal of the State Legislature of Maryland to have any hand in the enforcement of the prohibition law? I may be wrong, and it is always dangerous to rely on one's memory too confidently when speaking on the spur of the moment, but if I am not mistaken scarcely a single police officer of the city of Baltimore, if any, has ever been involved as such in a prohibition scandal. We know that that would not have been the case if the Baltimore city police had been required to co-operate with the Federal prohibition agents in the enforcement of the Volstead Act.

Mr. CURTIS. Mr. President—

Mr. BRUCE. I yield to the Senator from Kansas.

Mr. CURTIS. I understood the Senator in his opening remarks to say that if the two amendments which he has suggested were agreed to he would have no opposition to the bill.

Mr. BRUCE. None at all.

Mr. CURTIS. Of course, I can not agree for the Senate, but so far as I am individually concerned there will be no opposition to the two amendments on my part, if the measure can be acted upon this afternoon.

Mr. BRUCE. I thank the Senator. He has reached the same conclusion which the Senator from Utah [Mr. Smoot] reached, and which I think that any reasonable, open mind would reach under the circumstances. For the present, therefore, I have nothing more to say.

Mr. NORRIS obtained the floor.

Mr. WALSH of Massachusetts. Mr. President, a parliamentary inquiry. Is it permissible to amend the motion by striking out the number of the bill and inserting the number of another bill?

The PRESIDING OFFICER. It is not permissible.

Mr. NORRIS. Mr. President, I am in favor of the bill which the Senator from Kansas has proposed by his motion to take up, but I am not in favor of taking it up at the expense of displacing the unfinished business, the Boulder dam bill.

I want to call the attention of the Senate first to the fact that the bill, which the Senator by his motion proposes to take up, is a House bill which has already passed the House. The unfinished business is a Senate bill, so that it has farther to travel than the House bill, practically twice the distance, before it can be enacted into law. In my judgment it is unfair to take the bill which has the farthest to travel and displace it with a bill that has only to pass through the Senate. It may be said that the House bill may be amended. That may be true, but the same thing can be said of the other bill, which may be amended in both Houses. It rather seems to me that if the unfinished business, the Boulder dam bill, were displaced now by the bill to which the Senator from Kansas has referred, it would be a physical impossibility to pass the Boulder dam bill before the fourth day of March.

I know Senators have preferences between these two bills, and I am not complaining of that, but I believe a majority of Senators are in favor of both bills. It does not seem to me to be fair after we have considered the pending bill for a little over a day and there has developed against it a filibuster that we should then lay it aside and take up some other measure. Does the Senate propose to take up the bill which the Senator from Kansas [Mr. Curtis] would have taken up by his motion, and if there is a filibuster against it lay it aside; and so will we travel on, meaning logically that from now until the 4th of March we shall pass no bill unless it shall be practically by unanimous consent?

Mr. President, I do not believe the Senate ought to say, now that we have wasted all the time that has been devoted to this bill, that we shall now start on a new one, that, as I said, has already passed the House of Representatives. I wish to see both these bills enacted into law, but, anxious as I am for the passage of the bill which the Senator from Kansas has proposed to be considered by his motion, I do not believe and I will not admit that it is of greater importance, in fact, I think, important as it is, it is of less importance than is the Boulder dam bill. I do not know when we have had in recent days or months a bill before us that is of more national importance and which comes nearer to laying down a national

policy in the control, management, and improvement of the national resources of the country than the bill which is now the unfinished business. I do not intend to detain the Senate long nor to enter into a discussion of the merits of either one of these bills, but I do feel that I am justified, since I have not spoken upon this bill, to call attention briefly to what are admitted to be the facts which, in my judgment, are the material facts in connection with the Boulder Canyon bill.

Thus far the debate has been entirely on the part of Senators who represent some one of the States that are directly involved. Everybody knows that the State which I in part represent has no such interest in the question; it has only the interest that every citizen of the United States ought to have; and from my study of the bill and an examination of the ground, both of the dam site and of Imperial Valley and the irrigation ditch therein and the river on Mexican soil, I have reached the conclusion that there is more humanity in this bill than in almost any other bill that the Senate has ever had before it. So I wish briefly to call attention to what everybody admits to be true.

Imperial Valley, lying in some places more than 300 feet below sea level, depending for its water, depending for every blade of grass that grows there upon irrigation, depending upon irrigation in most parts of the valley for its domestic supply of water—Imperial Valley, whose soil is as rich as any soil on earth, is inhabited by 65,000 American citizens, with their homes, their husbands, their wives and children, and with everything on earth they have invested there. It has cities of considerable size, modern in every respect, with paved streets and beautiful public buildings, and a citizenry almost entirely American, as patriotic, as intelligent as any that dwells anywhere beneath our flag.

Senators may say those people went there of their own accord. It is true they did, but they went there with our consent; they went there under the laws of the United States. They have redeemed the desert and made it into a garden. They are dependent, however, for their existence, for their livelihood, for everything they have that is near and dear to them that has come from their sacrifices and their toil—they are dependent upon water, and they are at the mercy, and so is all that property, so are their homes, at the mercy of the flood waters of the Colorado River, which flows above them; and it is admitted here, admitted by all students who have studied the subject, that eventually, unless in some way the flood waters of the Colorado River shall be restrained, Imperial Valley will again become part of the ocean. There is no escape from that conclusion; nobody denies it; those who oppose the bill admit it; it is as true as gospel that unless in some way those flood waters shall be controlled that time must come, because if Senators will study the formation of the Imperial Valley they will find that once it was a part of the ocean; all of that territory was built up by the silt that was brought down from the Colorado River. The Colorado River, which brings down silt, is daily lifting its bed higher and higher, and it will be an impossibility to continue to build the dikes higher and higher.

The catastrophe may not come to-day, or it may be that it will come, before the sun sets to-night; it may not come in the next year or in the next five years; but in all probability it will not be much longer delayed than that, because they have almost reached the limit of raising the dikes to keep the flood waters back, and eventually it will be impossible, because as the bed of the river gets higher the dikes must be built still higher or the river will overflow the valley in times of flood. That is the condition of Imperial Valley. It can not be permanently saved by the building of dikes; it can not be permanently saved unless the flood waters of the Colorado River shall be controlled, and they can not be controlled unless a dam is built not farther up the river than the point above which a great portion of the water comes into the river. A flood-control dam to amount to anything can not be built unless it is built at the mouth of a natural reservoir. Such a reservoir is Boulder Canyon, which is the nearest available site to the mouth of the Colorado River and is below most of the flood waters which come into the Colorado River. That is the first place in traveling up the river where there is a natural location for works to secure such flood control.

Mr. FLETCHER. Mr. President, may I ask the Senator a question?

Mr. NORRIS. Yes.

Mr. FLETCHER. I have never been out there, and therefore am ignorant of the conditions. Do the people of the Imperial Valley get all the water they want now?

Mr. NORRIS. No; they do not.

Mr. FLETCHER. I understood that they were in quite a flourishing condition now and were getting ample water.

Mr. NORRIS. There is only a little over half the Imperial Valley that is irrigated; the remainder of it is above the ditch. The passage of this bill will enable them to build what is called an all-American ditch instead of going around into Mexico, and it will strike the basin higher up than in the case of the present ditch.

Mr. FLETCHER. Where is the Roosevelt Dam located?

Mr. NORRIS. Oh, that is on a different stream entirely; that has nothing to do with this; it is a different watershed, I will say to the Senator.

Mr. JOHNSON. Mr. President, may I say in answer to the Senator from Florida that the Imperial Valley does not have all the water it wants. It has two troubles; first, flood, and next drought. In the low season of water Mexico takes the 50 per cent to which Mexico is entitled, and what is left goes into the Imperial Valley. Two years ago the losses were \$6,000,000 because of the lack of water.

Mr. FLETCHER. Is there any danger if this dam shall be built of diverting any of the water that ought to go into the Imperial Valley into some other region?

Mr. JOHNSON. No; if this dam shall be built, there is a unified plan by which an all-American canal will be constructed, as well, fed from the great storage reservoir that will be created back of the dam, and that all-American canal, with its regulated flow, will provide all of the water that is essential to remove all danger of drought.

Mr. FLETCHER. I did not know whether this dam might result in diverting some of the water elsewhere, to some other region.

Mr. NORRIS. No; there is no such proposition involved in any pending legislation; none whatever. It is proposed to provide an immense reservoir, as I have said, and it will be the nearest reservoir to the mouth of the Colorado River. Everybody admits that a dam for the purpose of flood control ought to be constructed. Flood control is the most important thing. Irrigation and water power sink into insignificance, in my opinion, when the homes and lives of men and women are involved—at least the homes, for the inhabitants could drive out before the Colorado River would fill up the entire basin, even if it were flowing right into it to-day. The important thing is that human life is in a measure involved, and that the property of men and women, who have worked their entire lives to acquire it, will be absolutely destroyed unless some time before it is too late provision shall be made to hold back the flood waters of that stream.

What it is proposed to do is to build a dam at Boulder Canyon which will create an immense lake back of it, able to hold the flood waters of the Colorado River and to regulate the flow of the stream. There are times now when there is not enough water to irrigate the Imperial Valley, especially if the waters must also irrigate lands in Mexico; there will be times when the dam will let out more water than flows into the Colorado River at its low stage; but there never will come a time, judging from the experience of the past—and we believe that this is a reliable guide—when it will not be able to hold back the flood waters, at least not for several generations.

That is the proposition involved here; that is what it is proposed to do. We are late now in doing this for our fellow citizens; and, Mr. President, regardless of what may be said about power, regardless of what may be thought about irrigation, I can not conceive how anyone can be against a bill of this kind that seeks to save the homes of 65,000 of our people who are honestly, lawfully, and legitimately in possession of that territory.

The irrigation ditch, the only one that comes into Imperial Valley, is taken out of the Colorado River near the Colorado line, on the American side of the line; but the way the land runs it has to go over into Mexico, 60 miles of it, so that when it gets back on the American side—being compelled, of course, to run by gravity all the time—it is lower down on the side of this basin that comprises Imperial Valley than the water would reach that valley if, instead of going around through Mexico, it went straight through American territory. Hence the all-American canal will almost double the irrigable land of Imperial Valley. It will reach land that can not be reached now. But now, Senators, anyone in Mexico under a foreign flag, any dozen men, any one man, could often ruin the ditch that carries water to all these people, and if that water ceased to flow it would not be 10 hours before the suffering would begin. You can not raise anything in Imperial Valley without irrigation. It is a garden spot with water. It is a barren desert, without any green growing thing in it, if the water is not there.

Now we are asked to displace this bill and take up another bill which I admit is important, which I want to see enacted into law, but I am unwilling to displace a bill of this importance for the purpose of doing that. I do not believe there

is a Senator here, regardless of what he may think about water power and irrigation, who, if he really could see the condition of the Imperial Valley and realize what this legislation means to those people, would not be willing to stay here day and night until we passed or at least got the expression of the Senate on legislation of that kind.

You could build a dam somewhere else, 125 miles farther up. There is not as good a basin for the holding of water there. It will not hold nearly as much. If you did it, there would be a lot of water that comes into the stream below that dam that your basin would not catch. That is admitted. Nobody disputes it. Everybody admits that whether we postpone it or not, if we are going to save Imperial Valley this dam must be built at the particular place designated in this bill. Now, why delay it, when delay may mean the destruction of hundreds of millions of property of men who have acquired it as honestly and fairly and legitimately as property has ever been acquired anywhere?

I remember another thing that I think the Senate ought to know. The place where these breaks occurred in the banks of the Colorado River is not on American soil. It is over in Mexico; but the Americans have to take care of the dikes over there. The Farmers' Irrigation Co., which owns the water that goes into Imperial Valley, owns a railroad that crosses the line and goes over into Mexico, where they have carried thousands and thousands of carloads of dirt and of rock and dumped it along the railroad where the break made it necessary to build the dike. They have paid thousands and thousands of dollars of tariff to the Mexican Government for the right to take this rock into Mexico to build up the dikes that do just as much good to the Mexican irrigators as they do to the Americans. They had to pay a tariff upon the rails and the ties that are in the railroad. This bill will make those people in the Imperial Valley independent of a country over which we have no control whatever; and I appeal to Senators that it is only fair, it is only just that we should fight this thing out while we are part way through, and not change horses in the middle of a stream.

Mr. EDGE. Mr. President, as I have already announced in this Chamber, I am not opposing the so-called prohibition reorganization bill, because, as has been expressed by the Senator from Maryland [Mr. BRUCE], I think it is good policy to have other departments cleared of the contaminating influences of attempted prohibition enforcement, particularly the splendid Department of Customs; and, as I understand existing law, they are intertwined, and the Customs Department has suffered considerably thereby.

Mr. CURTIS. Mr. President, will the Senator yield for a moment?

The PRESIDING OFFICER (Mr. CARAWAY in the chair). Does the Senator from New Jersey yield to the Senator from Kansas?

Mr. EDGE. I do.

Mr. CURTIS. If it is evident that the Senator from New Jersey and others intend to take up the time until half past 5 in discussing this motion, I feel like withdrawing it.

Mr. EDGE. Mr. President, I can speak only for myself. I am not going to take the time of the Senate for 10 minutes. I want to express my own view, and that is all I desire to say.

Mr. CURTIS. Then, when the Senator concludes, I will raise the question again.

Mr. EDGE. I believe in the enforcement of all law, no matter how much I disagree with the law; and I am convinced, further, that a prohibition department absolutely by itself, in no way intertwined with the Customs Department or any other department of the Government, will probably have a better opportunity and perhaps meet with more success, and everybody knows more success is needed. But, Mr. President, I oppose this motion partially for the reasons expressed by the Senator from Nebraska and for other reasons. I believe with a little generalship, a little give and take, the opposition to this reorganization bill possibly could be removed and the bill passed.

The Senator from Maryland [Mr. BRUCE] has clearly indicated that viewpoint. I have likewise. I can not speak for others; but, at least, the effort could be made. If this motion should prevail, however, it is perfectly evident that if any effort is made to delay consideration days probably will elapse before a vote could be reached; and even if, as has been suggested, or perhaps threatened, cloture should be invoked, everyone knows that that means, under the rules, another 48 hours, with, following that, an hour allotted to every Senator who desires to use it to speak, which would extend the time of the consideration of this measure practically until next week.

Why is that necessary? Why not make further efforts to reach an agreement and pass this bill, in view of the fact that most of the opposition seems to have been met, and not in the last days of the session, with much more important legislation which we should consider, consume this time, it seems to me, absolutely unnecessary?

Mr. BRUCE. Mr. President, will the Senator yield?

Mr. EDGE. I yield to the Senator from Maryland.

Mr. BRUCE. May I say, especially is that so as there is another bill pending here seeking to bring these prohibition field agents under the civil-service system.

Mr. EDGE. I was just going to refer to that. I wanted, however, to draw attention particularly to the Alien Property Custodian bill, which has been reported from the committee and is on the calendar, which affects thousands and thousands of citizens. In my judgment, there is a moral obligation to make some final disposition of that measure, getting it into conference, probably, so that the two Houses, if possible, could agree upon a bill. If, however, we are going to consume four or five days on a bill, the principle of which seems to be generally agreed upon, the separation of the two bureaus, it is unfair to other legislation.

Mr. CURTIS. Mr. President, if the Senator will yield, I will withdraw my motion.

Mr. EDGE. I yield the floor.

Mr. CURTIS. I withdraw my motion.

The PRESIDING OFFICER. The Senator from Kansas withdraws his motion to proceed to the consideration of House bill 10729.

Mr. REED of Missouri. Mr. President, I am perfectly aware of the fact that time consumed in speaking for the Boulder dam bill is probably, in effect, an injury to the bill. I simply want to say a very few words touching that measure.

In my judgment, the work proposed to be done is a very great and important one. The objections that I have heard raised do not seem to me to be sufficient to warrant the postponement of this work.

The question of the disposition of power is one that can be controlled by the Government. If the Government builds this dam and creates this power, it ought to be able so to control the situation as to see to it that the power is not monopolized and no State is treated unjustly.

So far as I am concerned, I am rapidly coming to the conclusion that, no matter how much we may be opposed in principle to the Government entering into business, as we sometimes state it, if the great water powers of this country are either to be monopolized by one or two great power combinations or that power must be controlled by the Government and then under some equitable and proper system the power sold to power companies, so that the people may get some benefits from these natural resources, it seems to me that the Government is going to be practically compelled for the protection of the people to continue to control in those cases where the Federal Government expends the money and has the right to control, and that in other cases the Federal Government ought not to interfere so that the States can not control their own water powers.

That is a little aside from this bill. I have heard no argument against this bill that is convincing to me. The benefits to accrue are very great. In one sense an emergency exists, and I think that this bill ought to be kept before the Senate until it is disposed of, and when it is disposed of there is another great bill that ought to receive the attention of the Senate at this session, and that is the alien property bill.

Millions of dollars are being withheld from people who are justly entitled to their money. The honor of the Nation is involved. We made our peace with Germany; the war is over by treaty regulations, and I hope that its animosities are disappearing from the hearts of our people and that our eyes are turned to the future and toward the establishment of friendly relations with those peoples with whom we were recently in conflict.

One thing that ought to be done, since we have made these treaties—one thing, indeed, which ought to have been done in consonance with the treaty which existed when the war broke out—is to deal honestly and fairly with the people whose property was impounded during the war.

I do not want to take time to discuss that. That bill is here, and for eight or nine years the owners of those properties and claims have been deprived of their money. The honor, the integrity, the good faith of this Nation can be seriously impaired if that bill is not considered and if just recompense is not made to those people who are suffering the loss of their money.

These two great measures ought to be considered. The Boulder dam proposition is here now; let us dispose of it. We

spent all night last night in an effort to bring that measure to a vote. The Senator from Arizona [Mr. ASHURST], believing that the interests of his people were affected, stood on his feet—I do not know how many hours, but he stood here in his determined opposition—and made as splendid a fight as I ever saw made on the floor of the Senate.

On the other hand, the proponents of the bill stood here contending for the bill. If we were going to reduce this to a question of exhaustion so as to get a vote and prevent the defeat of this bill by a filibuster, the bill should have been kept here this morning, and no person should have spoken except those who were carrying on—I do not like to call it a filibuster, but I guess it was pretty nearly that—who were carrying on the filibuster.

We have taken up the whole of the forenoon to-day in the consideration of other matters, and, of course, a good thoroughbred horse like my friend from Arizona needs only a few hours' rest, and he is ready for another marathon.

Let us dispose of this business. Let those who are opposed to the bill continue their opposition as long as they can. Let us keep the bill before the Senate, and when we are through with that let us take up the alien property bill and dispose of that.

As far as the prohibition bill is concerned, twice the proponents of prohibition have drawn their own measures, twice they have brought them here, and the law has been enacted as it was dictated from the gallery of the Senate by paid gentlemen who come here and lobby all the year around.

Now they have brought forward another bill. I do not know whether it is sound or unsound. I want a little time, at least, to look into it and to know what is back of it. I am not in favor of postponing these great measures for this other measure, which is, in my judgment, somewhat inconsequential.

Mr. ASHURST. Mazeppa answered, "Ill betide the school wherein I learn'd to ride!" Mr. President, if I have spoken at undue length, I learned that dubious art from a master at whose feet I have sat for some years, the eminent Senator from Missouri [Mr. REED]. He has taught many lessons. I am not nominating anyone for President of the United States, the people will do that, but the able Senator from Missouri [Mr. REED], wherever his white plume appears, attracts the admiration and the just admiration of men, whether we agree with him or not.

In bygone days—

Mr. CARAWAY. Mr. President, may I interrupt the Senator?

Mr. ASHURST. Certainly.

Mr. CARAWAY. While the two Senators apparently are on different sides of this question, I judge from the compliments that they certainly have some kind of an understanding.

Mr. ASHURST. I can not withhold a compliment due to the Senator from Missouri simply because he opposes me on the Boulder Canyon bill. I have seen him stand almost alone and fight valiantly for what he believed to be a great cause and a principle. Surely he does not draw strictures upon me for following his shining example.

Mr. REED of Missouri. I am not criticizing the Senator from Arizona at all.

Mr. CARAWAY. I thought I was right about it. [Laughter.]

LOANS TO VETERANS UPON CERTIFICATES

Mr. ASHURST. Mr. President, it must be obvious to men who think into things instead of around things that the Boulder Canyon dam bill can not pass at this session. That is not a threat. I have a sort of contempt for men who make threats.

It is impossible for the Senate within the next eight and a half days to pass the Boulder Canyon bill. Neither the modest efforts of myself nor those of my colleague, nor those of other Senators who view the matter as I do, could stay the progress of the Senate on a bill of this sort, except for the fact that, as Senators begin to examine this bill, they will discover that it deals with one of the most complex and difficult subjects with which they will ever deal, and that legitimate debate would take not less than a fortnight. We have only eight and a half days.

Whilst we are discussing measures which ought to pass, let us not forget the soldier, his widow, and his orphan. Mr. President, I ask to have inserted in the RECORD an editorial from the Asheville Citizen and an editorial from the Arizona Daily Gazette.

I also ask to insert in the RECORD a resolution adopted by the Morgan McDermott Post, No. 7, of the American Legion, Tucson, Ariz., on January 20, 1927.

The PRESIDING OFFICER (Mr. Tyson in the chair). Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

[From the Asheville Citizen, February 14, 1926]

ROBBING THE VETERAN

Here is an outrage that tops the list of all those things, ancient and modern, commonly cited to prove the ingratitude of governments. It is the clause in the World War veterans' act, section 202, article 7, which reads:

"After June 30, 1927, the monthly rate of compensation for all veterans (other than those totally and permanently disabled) who are being maintained by the bureau in a hospital of any description and who are without wife, child, or dependent parent, shall not exceed \$40."

That for sheer cruelty and picaresque rapacity excels every littleness of which governments have been capable. It strikes at sick and crippled men who, called by their country from the business of laying the foundations of their futures, took ship for another country and there fought above the clouds on the wings of death and plunged laughing into the hell of single-handed conflict, and fronted avalanches of shell and steel, and scaled mountains belching fire, and in the end planted their banners on the heights of victory to make our happiness sure and our liberties everlasting.

It robs weak and helpless men who got their wounds and lost their limbs because they gave to their country and their flag all they had—their health, their strong young bodies, their ambition for careers in their chosen lines of endeavor, their dreams of love and hopes of a home and wife and children to welcome them at the close of the day's work. It robs them, because they were rich in heroism, the thing we promised to repay with medals, honors, and a Nation's unlimited generosity.

Their reward is a bed of pain and a hospital's walls and the reflection that because they have won a war and are to-day fighting a long, unending battle they are enriched to the extent of less than \$10 a week.

Pending in Congress to-day is a bill to do away with this governmental meanness, and the wonder is that it is still pending instead of enacted into law. The original outrage was perpetrated when patriotism slumbered and justice was off duty. But now that it is detected no citizen will excuse it, no Congressman vote to prolong it.

If such statutory greed can be continued, fair play is dead in our halls of legislation. The man who, prating of patriotism and debts to heroes, advocates that unplumbed depth of littleness is a traitor to his country and his trust. He is worse than that; he is blood brother to the Judas who marked his Master with a kiss and sunk his own soul with the unbearable burden of its cheapness.

[From the Oregon Daily Gazette]

It has been brought to our attention by the disabled veterans at the United States Veterans' Bureau hospital at Whipple that under a clause in the World War veterans' act the compensation of all disabled veterans without dependents will be cut to not to exceed \$40 a month after June 30, 1927.

This measure will work a great hardship on the men to whom it applies. These men are in hospitals suffering from disabilities which are directly the result of their war service. They are fighting valiantly to regain the health lost during their war activities so that they may again take their place in the world. They are still fighting the war, though it may be but a dim memory to the great majority.

The men against whom this unjust measure is aimed need the small monetary assistance they are now receiving to help provide for future welfare, to prepare for the time when they may be able to leave the hospital, and to supply small comforts while hospitalized. The clause permits of an interpretation which would take compensation away entirely from these disabled veterans.

The number of men who come under this clause is comparatively small, and therefore the economy it represents is negligible compared to the amount of benefit these men derive from the compensation it would deprive them of.

We can not believe that it is the sentiment of the American public that these men should be cut down in this manner. If anything the veterans who were so badly disabled that they have needed hospitalization down through the years since the war should be given a premium for the suffering they have been forced to undergo. It would be an act of loyalty to these men, who were loyal to us to the point that they sacrificed their health and their future, if every person enjoying the blessing of good health would communicate with the Members of Congress and urge them to support the amendment to section 202, article 7, of the World War veterans' act, which will correct this wrong that will otherwise be inflicted on them after June 30.

Resolution

Whereas the last provision of paragraph 7, section 202, of the disabled American veterans' relief act, passed by Congress on June 6, 1924, as amended by act of Congress of July 2, 1926, reads as follows, to wit:

"After June 30, 1927, the monthly rate of compensation for all veterans (other than those totally or permanently disabled) who are being maintained by the bureau in an institution of any description,

and who are without wife, child, or dependent parents, shall not exceed \$40"; and

Whereas this provision constitutes a clear and unjustified discrimination against veterans of that class who are seeking to regain their health in Government hospitals and places a penalty upon the honest effort of the men who are taking advantage of the opportunities to regain their health which are offered to them, and the placing in effect of this provision would likely be the cause of many men leaving Government hospitals before their physical condition justified the leaving of a hospital; and

Whereas the Congress of the United States should not at any time, or in any manner, make or seek to make any distinction between disabled veterans, except upon the question of physical disability alone, and any effort of the Congress to discriminate as between disabled veterans of the same degree of disability should be branded as inequitable, unfair, and plainly unjust; and

Whereas any disabled veteran who has been or may hereafter be awarded compensation in accordance with the degree of his disability is entitled to the payment of full compensation for his disability, without regard to his being or not being a patient in a Government hospital, and without regard to his being or not being married, or having or not having children or dependent parents, and any distinction made between men of the same degree of disability is arbitrary and against the American spirit of a square deal; and

Whereas we fear that the enforcement of this provision would prove to be an opening wedge of a concerted effort to deprive all disabled veterans of the right of compensation, and that its enforcement would pave the way for the reduction of compensation of those veterans described in said provision to an absolute minimum, the provision setting out that the monthly rate of compensation of such veterans "shall not exceed \$40," thereby giving the bureau an unrestricted power to reduce the compensation of such veterans to nothing at all, pauperizing them and rendering them helpless; and

Whereas such condition would, beyond question, bring about an untold amount of mental suffering and worry which would naturally react to the detriment of the physical condition of such veterans, thereby tending to break down and destroy whatever good results which might have been attained by the long-continued fight for the relief of disabled veterans: Now, therefore, be it

Resolved by members of Morgan McDermott Post, No. 7, the American Legion, Tucson, Ariz., in regular meeting assembled on this 20th day of January, 1927, That we unanimously recommend the repeal of the provision of the law quoted above, and that we sincerely urge the Congress of the United States to repeal said provision on the grounds of fairness, justice, and square dealing; and be it further

Resolved, That copies of this resolution be forwarded to the Hon. CARL HAYDEN, Member of Congress, and the Hon. HENRY F. ASHURST, United States Senator, and to the Hon. RALPH H. CAMERON, United States Senator, and to the Hon. LEWIS DOUGLAS, Congressman elect from Arizona, and to the Committee on World War Veterans' Legislation of the House of Representatives.

The foregoing resolution was unanimously adopted at a regular meeting of Morgan McDermott Post, No. 7, the American Legion, Tucson, Ariz., on January 20, 1927.

Mr. ASHURST. Mr. President, I now move that the Senate proceed to the consideration of H. R. 16886, a bill to authorize the Director of the United States Veterans' Bureau to make loans to veterans upon the security of adjusted-service certificates.

I demand the yeas and nays upon that motion.

The PRESIDING OFFICER. The question is upon the motion of the Senator from Arizona.

Mr. JOHNSON. Mr. President, there is no reason, of course, why this legislation can not be passed, and will not be passed. There is no necessity, except the necessity that confronts the Senator from Arizona in this particular controversy, for moving to take it up at this particular time. The design, of course, is obvious. I presume the Senator seeks to displace the pending business.

Mr. ASHURST. Will the Senator yield?

Mr. JOHNSON. Surely.

Mr. ASHURST. The Senator is a student of natural philosophy, and knows that two bodies can not occupy the same place at one and the same time. Of course I intend to try to displace the bill the Senator has so ably advocated.

Mr. JOHNSON. Mr. President, that is part of the filibuster which is being attempted upon the Boulder dam bill. I do hope, while we may make the arrangements which are essential for taking up this veterans bill at any time and under any circumstances, that this motion will not be agreed to.

We have just had a discussion here concerning another bill which was designed to displace the unfinished business. There is no reason in the world why this veterans bill, to which there is no opposition, and which ultimately will be passed, of course, should displace the unfinished business that is before the Sen-

ate now, the Boulder dam bill. I trust that those who believe in that legislation, as well as those who believe in the legislation that is sought to displace it, will not permit the motion to prevail.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arizona, on which the yeas and nays have been demanded.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. DU PONT]. In his absence I withhold my vote.

Mr. REED of Pennsylvania (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. BAYARD]. I do not know how he would vote. I am unable to obtain a transfer and therefore withhold my vote.

The roll call was concluded.

Mr. BRATTON. My colleague, the senior Senator from New Mexico [Mr. JONES], is absent on account of illness. If he were present, he would vote "yea" on this question.

Mr. McMASTER. My colleague, the senior Senator from South Dakota [Mr. NORBECK], if present, would vote "nay."

Mr. ROBINSON of Arkansas. I desire to announce that the senior Senator from Delaware [Mr. BAYARD] is detained from the Senate by reason of the funeral of former Senator Willard Saulsbury.

Mr. PITTMAN. I wish to announce that the Senator from Rhode Island [Mr. GERRY] is necessarily detained from the Senate. If present, he would vote "yea."

Mr. JONES of Washington. I desire to announce the necessary absence of the Senator from Nevada [Mr. ODDIE] on account of illness.

The result was announced—yeas 31, nays 43, as follows:

YEAS—31

Ashurst	Glass	Neely	Steck
Blease	Harris	Overman	Stephens
Bratton	Hawes	Phipps	Swanson
Broussard	Heflin	Pine	Trammell
Cameron	King	Ransdell	Tyson
Caraway	McKellar	Robinson, Ark.	Underwood
Ferris	Mayfield	Sheppard	Walsh, Mass.
George	Metcalf	Smith	

NAYS—43

Bingham	Ernst	Kendrick	Sackett
Borah	Fess	Keyes	Schall
Bruce	Frazier	La Follette	Shipstead
Capper	Gillett	Lenroot	Shorridge
Copeland	Goff	McMaster	Stewart
Couzens	Gooding	McNary	Wadsworth
Curtis	Gould	Moses	Walsh, Mont.
Dale	Hale	Norris	Warren
Dill	Harrison	Nye	Watson
Edge	Johnson	Pepper	Willis
Edwards	Jones, Wash.	Reed, Mo.	

NOT VOTING—21

Bayard	Harrell	Oddie	Stanfield
Deneen	Howell	Pittman	Weller
du Pont	Jones, N. Mex.	Reed, Pa.	Wheeler
Fletcher	McLean	Robinson, Ind.	
Gerry	Means	Simmons	
Greene	Norbeck	Smoot	

So Mr. ASHURST's motion was rejected.

ALIEN PROPERTY ADJUSTMENT

Mr. ASHURST. Mr. President, this may be the last opportunity Senators will have to do justice to those ex-service men who went through the iron storm of war in order that liberty and opulence might prevail throughout the United States. A high duty of a nation is to keep its treaty. Therefore I now move that the Senate proceed to the consideration of Calendar No. 1415, the bill (H. R. 15009) to provide for the settlement of certain claims of American nationals against Germany and of German nationals against the United States for the ultimate return of all property of German nationals held by the Alien Property Custodian, and for the equitable apportionment among all claimants of certain available funds. Upon that motion I ask for the yeas and nays.

Mr. REED of Pennsylvania. Mr. President, on Monday evening last the Senate wasted the entire evening. I was more to blame perhaps than any other Senator for promoting that waste in the controversy over the bill to permit loans from the Veterans' Bureau directly to the holders of adjusted compensation certificates. Every Senator present, so far as I could discover, was in favor of that bill. The bill was not passed because the Senate had added to it an amendment offered by the Senator from New Mexico [Mr. BRATTON] changing some of the provisions of the World War veterans' act of 1924, and because of the controversy over that amendment the bill in which we all believed was forced back to the calendar on Monday night.

We are going to take up the calendar again to-night, and that bill will again be reached, and there is every reason to anticipate a similar controversy and a similar result.

I have not changed my mind in the least about the amendment of the Senator from New Mexico, but I realize that it is doing a great injustice to many meritorious bills on the calendar to allow that controversy to be renewed again to-night and to waste three hours of the time of the Senate which ought to be spent on the calendar.

Therefore, swallowing my opinion about the amendment, I am going to ask unanimous consent that the unfinished business be temporarily laid aside and that the veterans' loan bill, with the amendment of the Senator from New Mexico—

Mr. ASHURST. Or any other amendment any Senator sees fit to offer.

Mr. REED of Pennsylvania. Will the Senator permit me to finish—with the amendment of the Senator from New Mexico in the shape in which it came from the Committee of the Whole and is now pending in the Senate, so that that bill may be considered and passed at this time. I am convinced it will be passed in 60 seconds if consent is given.

Mr. JOHNSON. Mr. President, I very gladly consent to the course suggested by the Senator from Pennsylvania.

Mr. ROBINSON of Arkansas. Mr. President, I gave notice on yesterday, a notice which was read and printed in the RECORD, that some time to-day I would make a request similar to that which the Senator from Pennsylvania [Mr. REED] has just made. I want to say that I think the request should be granted. The bill unquestionably would have passed on Monday evening last but for the fact that just prior to the time when the Senate had agreed to adjourn, at 11 o'clock, a demand was made on the Senator from New Mexico [Mr. BRATTON] to the effect, substantially, that he consent to a reconsideration of the vote by which his amendment had been agreed to; otherwise that the bill should fail. It was manifestly impossible under the circumstances to secure action on the bill, because the Senate had expressed itself by an overwhelming vote in favor of the amendment of the Senator from New Mexico. I believe that the Senate ought to pass the veterans' loan bill, and I hope that some agreement may be entered into looking toward that end.

Mr. BORAH. Mr. President, do I understand that the unanimous-consent agreement provides for the consideration of the bill and any amendments which may be offered?

Mr. REED of Pennsylvania. If any additional amendments should be offered, I should feel compelled to call for the regular order.

Mr. BORAH. Before I agree to the unanimous-consent agreement, I should like to know whether that would be the effect of the unanimous-consent agreement, if entered into, that amendments may be offered in case the bill comes before the Senate?

The VICE PRESIDENT. The understanding of the Chair is that the bill is to be considered in its present shape.

Mr. ROBINSON of Arkansas. I did not hear the statement of the Chair.

The VICE PRESIDENT. The understanding of the Chair is that the unanimous-consent agreement would cover the bill in its present shape, the bill as amended. The status of the bill is that it is in the Senate, and the question is upon its third reading.

Mr. ROBINSON of Arkansas. I did not understand that the request of the Senator from Pennsylvania precluded the offering of additional amendments.

The VICE PRESIDENT. In the case of the bill referred to the question is on concurring in the amendments made as in Committee of the Whole.

Mr. REED of Pennsylvania. I think it is too late in the progress of the bill to offer any other amendments.

Mr. MOSES. The bill will be in the Senate and will be open to amendment.

Mr. REED of Pennsylvania. The bill has been in the Senate. Mr. MOSES. And it is in the Senate now.

The VICE PRESIDENT. Neither of the amendments made as in Committee of the Whole has been concurred in in the Senate; the bill is yet in the Senate and is open to amendment.

Mr. ROBINSON of Arkansas. That was my understanding; and the unanimous-consent request submitted by the Senator from Pennsylvania does not preclude the offering of other amendments.

Mr. MOSES. I want to be sure about that before assent is given.

Mr. REED of Pennsylvania. Mr. President, in view of that fact, I want to say that I shall feel obliged to call for the regular order if it should be attempted to tack any other amendments onto the bill.

Mr. ASHURST. I ask for the yeas and nays on the motion to take up Order of Business 1415, being House bill 15009,

which is known as the alien property bill, and which is a bill to keep our treaties.

Mr. BORAH. Mr. President, I think the Senator from Arizona is mistaken about this being a bill to keep our treaties. It is a bill not to keep our treaties, and could not be possibly disposed of between now and 5 o'clock.

Mr. ASHURST. I hope not.

Mr. BORAH. I do not want to become particeps criminis to that character of proceedings; that is what I was going to say.

Mr. ASHURST. The Senator has taken a part—

Mr. BORAH. No.

Mr. ASHURST. I withdraw that. I was thinking of another Senator. [Laughter.]

Mr. BORAH. I can not myself vote for the motion, although I am in favor of taking up the bill, but I want to have ample time in which to dispose of it.

Mr. ASHURST. The Senator will have ample time if the bill shall be taken up. I ask for the yeas and nays on my motion.

Mr. REED of Pennsylvania. Mr. President, I ask that the motion may be stated.

The VICE PRESIDENT. The motion of the Senator from Arizona is to proceed to the consideration of House bill 15009, which is known as the alien property bill.

Mr. REED of Pennsylvania. A parliamentary inquiry. If that motion shall prevail, will not that bill be the unfinished business when the Senate finishes its morning business to-morrow?

Mr. ASHURST. Yes, sir.

Mr. REED of Pennsylvania. So that the bill does not need to be disposed of by 5 o'clock to-day.

Mr. ASHURST. No.

The VICE PRESIDENT. Should the Senate adjourn while the bill is pending to-night it will be the unfinished business. The motion is debatable.

Mr. ASHURST. I ask for the yeas and nays on my motion. The yeas and nays were ordered.

Mr. TYSON. Mr. President, a parliamentary inquiry. What is the question before the Senate?

The VICE PRESIDENT. The question is on the motion that the Senate proceed to the consideration of the alien property bill. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FLETCHER (when his name was called). Announcing my pair as before, with the Senator from Delaware [Mr. DU PONT], and not knowing how he would vote, I withhold my vote.

Mr. UNDERWOOD (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. GILLET]. He is absent, and, as I do not know how he would vote if present, I withhold my vote.

The roll call was concluded.

Mr. REED of Pennsylvania. I have a general pair with the Senator from Delaware [Mr. BAYARD], who is absent. I think I can state that, if present, he would vote "yea" on this motion. Therefore I feel at liberty to vote, and vote "yea."

Mr. McMASTER. I wish to announce that the senior Senator from South Dakota [Mr. NORBECK], if present, would vote "nay."

Mr. MOSES. I inquire if the junior Senator from Louisiana [Mr. BROUSSARD] has voted?

The VICE PRESIDENT. The Senator from Louisiana has not voted.

Mr. MOSES. I have a general pair with that Senator, and, inasmuch as he has not voted, I withhold my vote.

Mr. JONES of Washington. I desire to announce the necessary absence of the Senator from Nevada [Mr. ODDIE] on account of illness.

Mr. ROBINSON of Arkansas. I wish to announce that the senior Senator from Delaware [Mr. BAYARD] is necessarily detained by attendance upon the funeral of former Senator Willard Saulsbury, of Delaware.

I also desire to announce that the senior Senator from Rhode Island [Mr. GERRY] is necessarily detained. If present, the Senator from Rhode Island would vote "yea."

The result was announced—yeas 29, nays 44, as follows:

YEAS—29

Ashurst
Bingham
Blease
Bratton
Cameron
Caraway
Edge
Edwards

Ferris
Glass
Goff
Gould
Hawes
King
McLean
Metcalf

Overman
Pepper
Phipps
Ransdell
Reed, Pa.
Robinson, Ark.
Simmons
Smith

Steck
Stephens
Trammell
Wadsworth
Walsh, Mass.

NAYS—44

Borah	Gooding	La Follette	Sackett
Bruce	Hale	McKellar	Schall
Capper	Harrell	McMaster	Sheppard
Copeland	Harris	McNary	Shipstead
Couzens	Harrison	Mayfield	Shortridge
Curtis	Hefflin	Neely	Stewart
Dale	Howell	Norris	Walsh, Mont.
Dill	Johnson	Nye	Warren
Ernst	Jones, Wash.	Pine	Watson
Fess	Kendrick	Pittman	Wheeler
Frazier	Keyes	Reed, Mo.	Willis

NOT VOTING—22

Bayard	Gerry	Moses	Swanson
Broussard	Gillett	Norbeck	Tyson
Deneen	Greene	Oddie	Underwood
du Pont	Jones, N. Mex.	Robinson, Ind.	Weller
Fletcher	Lenroot	Smoot	
George	Means	Stanfield	

So Mr. ASHURST's motion was rejected.

Mr. REED of Pennsylvania. Mr. President, I wish to give notice that as soon after 4 o'clock to-morrow afternoon as I can obtain recognition I shall move that the Senate proceed to the consideration of the alien property bill.

LOANS TO VETERANS UPON CERTIFICATES

Mr. ROBINSON of Arkansas. Mr. President, pursuant to the notice I gave on yesterday, I ask unanimous consent that on to-morrow, Thursday, at 3 o'clock p. m., the unfinished business before the Senate, if any, be temporarily laid aside, and that the Senate proceed to the consideration of the veterans' loan bill for one hour, unless the bill shall be sooner disposed of.

The VICE PRESIDENT. Is there objection?

Mr. BINGHAM. Mr. President, what would be the parliamentary situation if the bill should not be disposed of at the end of an hour?

Mr. ROBINSON of Arkansas. The bill would go back to the calendar, of course.

The VICE PRESIDENT. Is there objection? The Chair hears none. The request of the Senator from Arkansas is agreed to.

MUSCLE SHOALS

Mr. HARRISON and Mr. COPELAND addressed the Chair.

The VICE PRESIDENT. The Senator from Mississippi.

Mr. HARRISON. I voted against taking up other bills and stopping consideration of the Boulder dam measure because I wanted to see the Senate have a reasonable time to consider it.

I had understood, too, from the Senator from California that he had no objection to laying it aside temporarily for the consideration of other important measures.

On last Friday or Saturday I brought to the attention of the Senate, when this matter was pending in the Senate, the question of Muscle Shoals, and the consideration of the report of the joint committee. I ask unanimous consent now that the Boulder dam bill be temporarily laid aside, and that we take up Senate bill 4106, dealing with Muscle Shoals, and that we consider it for two hours.

The VICE PRESIDENT. Is there objection?

Mr. REED of Pennsylvania. Mr. President, the Senator from Illinois [Mr. DENEEN], who has been very active in this matter, is not here. It does not seem right to take it up in his absence.

Mr. NORRIS. Mr. President, I should like to suggest to the Senator that I would not object to doing that if he will fix a day any time after to-morrow. The reason I suggest that is because the Committee on Agriculture and Forestry, which were to take up a resolution pending before the committee yesterday—I think it was yesterday; I have rather lost track of the time—were precluded from doing so on account of the Senate meeting at 11 o'clock. That meeting was adjourned, therefore, until to-morrow morning. We will have that resolution up to-morrow morning. It is possible that the committee will act on it. If they do, and report out anything, it ought to come up at the same time with the bill to which reference has been made.

Mr. HARRISON. The Senator from Illinois [Mr. DENEEN] is now on the floor, may I say to the Senator from Nebraska.

Mr. NORRIS. I have not said anything about the Senator from Illinois.

Mr. HARRISON. The Senator from Pennsylvania [Mr. REED] suggested that the Senator from Illinois was not then on the floor. That is why I made the observation.

Mr. NORRIS. Will the Senator make that the next day? As it is now, it fixes to-morrow. Make it Friday.

Mr. HARRISON. I am asking for the consideration of this bill, which was recommended by the joint committee. Of course, if the Committee on Agriculture and Forestry should take an adverse position on this proposition and should report out a bill that the Senator from Nebraska has introduced, I might support the measure if the Senate should take unfavorable action upon this bill; and I would rather have the Senate

take action now, so that we will know where we are, rather than to wait until Friday.

Mr. NORRIS. I think we will conserve time if we take it all up at once. I will not object if the Senator will make the time Friday; but I should not want to take up that measure to-day, and then on Friday take up another one.

Mr. SMITH. Mr. President, if the Senator from Mississippi will allow me, I think the Senator from Nebraska is correct. We have before us a proposal which is in the nature of a compromise; and, in view of the communication that has already come from the State of Alabama, I think all this matter ought to be laid before the committee that has this legislation in charge, which meets to-morrow to consider this very question. I desire to call the Senator's attention to the fact that in view of the action of the other body I think it would be an absolutely futile thing for us even to consider the resolution that is now on our table, because it is likely that it would receive the same fate in the House that this proposition has received in the committee.

I hope, therefore, that the Senator from Mississippi will not insist that we take up this measure to-day, but that he will allow us to report from the committee what in the judgment of the committee would be the best for us to do in the interest of that for which the bill was originally framed.

Mr. NORRIS. I should like to add to what the Senator has said that if we take up this bill and the substitute, which the Senator from Alabama has proposed for it, a bill that has never yet been taken up in the Senate, that disposes of this property, that has never been considered by a standing committee of the Senate—

Mr. SMITH. The Senator means the substitute proposed by the Senator from Alabama?

Mr. NORRIS. I mean the bill which the Senator from Mississippi asks unanimous consent to take up—we can not dispose of that in an hour or two hours.

Mr. HEFLIN. The Senator is referring to the American Cyanamid Co.'s bid, as I understand.

Mr. HARRISON. Mr. President, may I say, in reply to the Senator from South Carolina and the Senator from Nebraska, that for eight years, or about that time, this Muscle Shoals proposition has been before the American Congress. The Boulder dam proposition, which I am in favor of staying here a reasonable time to consider, has been before Congress only a few months. One means as much to the people of the South as the other means to the people of the Southwest. The Committee on Agriculture and Forestry of the Senate has reported out, I think, at least two bills to the Senate, and the Senate has passed at least one bill, the so-called Underwood bill, which died only in the closing hours of the Congress on a conference report.

If there is one subject that Senators should know something about, it is the Muscle Shoals proposition, when you consider the length of time that proposition has been before Congress.

A year ago, I think, both Houses of Congress appointed a joint committee to go out and receive bids, and to report to Congress the lowest and the best bid. From the Senate, distinguished Senators were appointed on this joint committee. The same is true of the House. They brought into conference with them Cabinet members. They brought to their support, in conference, experts on this question. They brought there the bids submitted after advertisements were made broadcast throughout the country. They made their recommendation months ago. It is pending before this body in the form of this Senate bill. It carries with it the recommendation of a bid that means millions of dollars more than any other bid that has been made, or any other bid presented to this committee. Out of respect to this committee, it is due to them that the Senate should at least give some consideration to their recommendation.

I have not tried to delay the consideration of other propositions; but I do think that two hours, at least, of time at this stage of the session should be given to the consideration of the report of this joint committee. These members, able gentlemen as they were, gave their time and services at the direction of both Houses of Congress to consider these bids, and it seems to me that we ought to consider them. Of course, if there is going to be some filibuster against a two-hour discussion of the matter, and we can not get any result therefrom, it is useless to take up the time of the Senate to-day in the consideration of Muscle Shoals; and I am going, if it meets with the approval of other proponents of this bill, to assent to the suggestion of the Senator from Nebraska, who has offered a compromise measure, temporary in character, until Friday.

So I ask unanimous consent that on Friday, immediately following the reading of the Journal of the Senate, if the Senate should adjourn on Thursday, or, if it should recess, at the

opening of the session, Senate bill 4106 be taken up for consideration, and that it be considered for two hours.

Mr. UNDERWOOD. Mr. President, I do not want the unanimous-consent request put until I obtain recognition. I did not want to interrupt the Senator.

I shall not object to the unanimous-consent request made by the Senator from Mississippi, although I am not in favor of the bill proposed by the joint committee of the two Houses. I have no idea that this proposition can be disposed of in two hours. I wish it could be. I wish it could be solved and disposed of. After debating the issues involved here now for practically a whole winter, only two years ago, I am not at all inclined to think that the Senate can reach a conclusion in two hours; but I believe an effort ought to be made. If the issue comes before the Senate, and an opportunity is offered, I prefer another solution of the problem to that which is offered by the committee or by my friend from Nebraska, and I certainly should take advantage of the opportunity of offering it.

I wanted to say this, though: I am not prepared to commit myself to the proposal made by the Governor of Alabama in his letter just laid before the Senate, because I have not investigated the proposition that comes before us to an extent that would justify my reaching a conclusion on what is said; but I know that the Governor of Alabama will be here tomorrow to present the views of the State of Alabama to the President of the United States, and I understand that he hopes to have an opportunity on Friday next to present his views to the committee.

As this great enterprise is located in Alabama, and the governor speaks for the State in which it is located, and there is only a day intervening, of course I think that it would be eminently proper that the Governor of Alabama should have the opportunity to present the viewpoint of the State before action is taken; but I do not believe that this conflicts with what my friend from Mississippi or my friend from Nebraska now proposes.

Mr. NORRIS. Mr. President, if the Senator will permit me to interrupt him, I certainly make no objection to the Governor of Alabama presenting his views to the committee. I shall be glad to have him do it, and I am willing that everything shall wait until he comes, or go on with this other matter and let him be heard afterwards. The Senator, I think, will recognize that the unanimous-consent agreement does not necessarily dispose of it.

Mr. UNDERWOOD. Oh, no; I recognize that. The only reason why I am speaking briefly now is that the question is before the Senate, and unfortunately I have been ill all winter, and something might happen to prevent my being here on Friday; and I merely wanted to occupy a short space of time in presenting my viewpoint in the Record, now that the issue is before the Senate.

Mr. KING. Mr. President, will the Senator suffer an interruption?

Mr. UNDERWOOD. Yes.

Mr. KING. The Governor of Alabama, in the letter just read, as I interpret it, announces what I conceive to be a very sound doctrine, and one which every Democrat should support; namely, that the States have sovereignty over the streams, the beds of the streams, the banks, and the water within the banks within their respective boundaries. Do I understand the Senator from Alabama—I could not hear all that he said—to differ from the very sound exposition of a fundamental principle of the able Governor of the State of Alabama?

Mr. UNDERWOOD. I stated very clearly—and I think my friend would have understood me if he had been listening—that I did not take issue with the governor's position, although I did not commit myself to the position he takes.

Mr. NORRIS. Mr. President, may I interrupt the Senator again?

Mr. UNDERWOOD. Yes.

Mr. NORRIS. I think that anything the Governor of the great State of Alabama should announce as a program ought to be given consideration. I do not agree with the governor in this at all; but if the governor is right—and the Senator from Utah believes he is right—and if the Congress shall act on his suggestion, it would settle the Muscle Shoals problem very easily. All we will have to do will be to give a deed to the State of Alabama for the property that the Government has there, and then make an appropriation of several million dollars to pay Alabama for the electric current we would consume down there, both for governmental purposes and for sale, and that would end it all. If that view is to be taken, we need not discuss any of these bills. If that view is to be taken, we will not have anything to do at Muscle Shoals except to deed it all to the State.

Mr. UNDERWOOD. Mr. President, I want to say to the Senator from Utah that I do not contest the proposition he has just stated, because it has been decided by the Supreme Court of the land that the original States owned the beds of rivers within their boundaries; and I take it that Alabama has the same right, having been admitted to the Union, that the original States had.

Mr. ASHURST. Mr. President—

Mr. UNDERWOOD. I do not want to get into a controversy, if the Senator will pardon me.

Mr. ASHURST. I am immensely gratified to hear what the Senator has said.

Mr. UNDERWOOD. I am speaking under some difficulty, and I ask my friends not to interrupt me.

Mr. ASHURST. The Senator's statement was sweet music to my ears. I will not interrupt him further.

Mr. UNDERWOOD. I have no controversy on that issue with the Senator from Utah, none at all, nor with the Governor of Alabama, but this is a navigation dam, built primarily for the purpose of navigation. That raises another question, and I do not foreclose that question or attempt to decide it.

The governor of my State will present his own viewpoint to the Congress and to the committee, and as I shall retire within about a week it is a heritage that does not belong to me. It belongs to my colleague and my successor, and therefore I do not care to discuss it. But I wish to say this, that my objection to the bill which my friend from Mississippi desires to call up is that it does not go to the point, in my judgment, to which we are really committed. I do not believe the Congress would ever have spent a dollar in building the great dam at Muscle Shoals if it had not done so as a matter of national defense and, secondly, to supply fertilizers to the farmers of America.

I realize that the proposal made by the committee seems to cover that point. It apparently seeks to provide for the manufacture of nitrogen, but I never have been satisfied that the proposal could carry out the question of making nitrogen, and therefore I have never stood for it.

For the same reason I do not favor the proposal made by my friend from Nebraska to lease this dam for five years for the power that can be created in the dam, because whether we use it or whether we do not the Government has put in the bed of this river \$50,000,000 to make nitrogen for national defense, and I think that plant should stand there for national defense as a battleship stays on our coast for national defense. That ought to be the primary object, and we should not be diverted to any other purpose.

We may make a mistake in building a battleship, but we do not scrap it. This plant may not be the last word in making nitrogen, but nitrogen has been made there, and the plant was built for national defense. To say that we will delay this matter further seems to me to be an indictment against the competency of the Congress of the United States.

This issue has been before us practically since the Great War. The dam was nearing completion the year after the Great War, and the Congress then began to consider what disposition should be made of it. We not only spent weeks, but months, in discussing the problem to which we are already committed in the enabling act, that the dam should be built for the purposes of national defense, and the power in time of peace should be used for the manufacture of fertilizer in the plant that is already there.

I am not going to resist the consideration of the question in the closing hours of this Congress. I think the opportunity to reach a result has been foreclosed, unless a miracle happens, for we can not discuss it within the time remaining and reach a final conclusion. I hope we can. There is no question that I would rather see finally disposed of at this time than the Muscle Shoals Dam proposition. But I do not believe there is time to complete it.

If this were a new proposal and we had not considered it, there might be a great deal in the suggestion of the Senator from Nebraska that we take time to look into it, but the Congress has been looking into it for the past five years, discussing it and considering it, and in my judgment the time has come for action, not further consideration, not further investigation. Here is a great investment of the Government, a business investment that can produce the interest on the money which the Government has expended on it, a remarkable expenditure in that respect, and rivaled by no other that has ever been made in this country.

Does that mean, Mr. President, that the Congress of the United States is incompetent to pass on a business proposal; that when a real business question comes before the Congress

of the United States we are unable to consider it and ultimately pass on it in a business way? It seems so.

I think one sitting on the outside years from now and reading the record, divorced from all feeling of prejudice in the matter, must come to the conclusion that we fail to act in the disposition of this great problem simply because of our inability to do so. So that I should welcome a real consideration of this question if we could have it. But I do not think anything will be accomplished by a perfunctory consideration, although I have no objection to it being debated. I do hope, however, that if that is the viewpoint of the Congress, we may take up the question with a real determination to solve it, and give an opportunity to those who have proposals to make to submit their proposals, limit debate, and vote on it as a business proposition.

As I have said, I differ with the proposal of the committee. I differ with the proposal of my friend from Nebraska. I have a viewpoint of my own, but I would be perfectly satisfied if I could get an opportunity to propose my viewpoint and get a vote.

Mr. SMITH. Mr. President, in reply to what the Senator from Alabama has said about the Congress evidencing its inability to dispose of this, a great business project, in a businesslike way, the Senate must not forget that every resolution we passed, in an effort to solve the difficulty, was so hedged about with restrictions that when the committees or the commissions that we appointed reported, in accordance with the terms imposed by the Congress, the Congress would not accept the proposals. All the bids which have been submitted to this body for Muscle Shoals have carried in them such monstrous differences between what we considered the value of the property and what was offered that of course, as business men, we would have nothing to do with them.

The fact of the matter is that we ought to do one of two things. Under the original proposal, which is now the law, we ought to provide means for the Government to go ahead and develop the processes for which this property was dedicated, and demonstrate whether or not it is feasible to do the things for which it was dedicated, and for which we have taxed the American people \$150,000,000.

We have come to the point, as the Senator from Alabama knows, when the power is now available, when the latest process of making nitrates is available. We should now take the turbines that are now installed at Muscle Shoals, use the power, and proceed with the dead work (to use the language of the inventor), and demonstrate to the American people to what extent this property, solemnly dedicated for a specific purpose, can perform that purpose; when we shall have so determined whether or not it is, then to take such action as, in our judgment, is beneficial for the American people.

It is a very simple proposition. The Senator from Alabama and I were the original proponents of this measure, which became law, dedicated to the purpose of producing nitrogen for defense in time of war and the solution of the fertilizer problem in time of peace.

Now, we have come to a stage where we have the power, we have the machinery, and are on the very threshold of demonstrating what the Senator and I told the American people was our intent and purpose, and so earnest were we that we incorporated in the fundamental law a provision that no private individual, no outsider, should have any part or parcel in this tremendous work for the defense of the country and for the maintenance of the plant to produce fertilizers during times of peace.

Now that we have come to where the power is produced and the money has been expended, the good faith of the American people and the good faith of the Congress are put to the test. We have spent five or six years dickering with private corporations which in their very bids have evidenced the fact that they do not propose to enter into a contract unless the Government, in the concessions it makes, will give them at least \$70,000,000 as a bonus yearly out of the property of the American people and then leave it to their sweet will as to what extent they will carry out the dedicatory purposes of the measure. It is to the shame of the American Congress, with the express order of this body in good faith in behalf of the people who have paid their taxes, that just at the moment when we are able to demonstrate what may be done and what can not be done, we turn about face and, because the war is not driving us to provide for our defense in time of distress, we propose to lease this property to private individuals who are not going to touch it with anything like a reasonable return to the Government until the art of developing nitrogen has been so standardized. They do not propose to jeopardize their dollars by carrying on the dead work. The Government should hold and operate it at least until the dead work has been accomplished and the public knows whether or not these

ingredients can be made in the form in which we dedicated this plant to make.

Now, what is the natural thing for us as business men to do, the term used by the Senator from Alabama [Mr. UNDERWOOD], in reference to this project at Muscle Shoals? If we are business men, honest men keeping the faith with the people, proposing to lease this property, ought we not to know what we are leasing? What are we leasing? I ask anyone here, who has in good faith studied the matter for the people, what we propose to lease at Muscle Shoals? There is but one thing developed beyond any question. There is but one art in the proposition which has reached its perfection and standardization, and that is the development and transmission of power, which is the great desideratum of the commercial world. It lights our homes. It runs our street cars. It has to do the great manufacturing work of the country. It is in great demand, and therefore that art being perfected there is a clamor to convert this plant into a power project.

What about the millions of acres in your State and in my State which have to pay practically the gross proceeds of those acres for the fertilization that went into them? Do not you and I owe anything to this vast army, disorganized and helpless, who are dependent upon the return from the soil for the miserable existence they eke out? Are we not under any obligation to those for whom we pledged on our part the development of this great property when we on this floor solemnly pledged them we would set aside a water power or water powers and demonstrate whether or not nature had provided a storehouse in the air from which an unlimited amount of fertilizer might be drawn for their benefit, and then in the very moment of possible fulfillment of that promise we propose to turn it over to the very people who from time immemorial have been extracting from them an unjust proportion of their production.

Mr. UNDERWOOD. Mr. President, will the Senator yield? The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from South Carolina yield to the Senator from Alabama?

Mr. SMITH. I yield.

Mr. UNDERWOOD. I do not know whether the Senator was addressing his remarks to me, although he was speaking to me. I do not want my attitude misunderstood in the Record. In the remarks I made a moment ago I said the original purpose of the initial act should be carried out. The Senator probably was not in the Chamber when I made the statement. I never have stood for anything else, and I am for no other proposal than that we shall agree to a proposition which will put national defense first and fertilizer second in the disposition of the Muscle Shoals property. But I do think that in approaching the matter the Congress of the United States is subject to the indictment of failing to transact business in a businesslike way.

Mr. SMITH. The indictment of the Senator is correct, and the cause is not hard to see. In the first place, we have not studied the proposition as a body to know just what is involved. The necessity for this fertilization exists in only a portion of our country. There are very few people outside of the Atlantic seaboard States and a few of the Gulf States who know what the necessity for artificial fertilization means. Strangely enough, what used to be called the pine-barren lands of the South have been proven to be the most fertile lands in America when artificially fertilized. They will produce more corn to the acre than any land in America. The prize for the greatest production of corn to the acre in the world, so far as statistics and investigation show, was given to Jerry Moore, of Florence, S. C., who made upward of 225 bushels to 1 acre of artificially fertilized pine-barren land.

The lands of North Carolina, South Carolina, and Georgia, properly fertilized with concentrated fertilizer, will produce more oats to the acre than any land in the world. They will produce more cotton per acre than any land in the world. In Texas, Oklahoma, Arkansas, and the valley of the Mississippi cotton grows luxuriously, and seemingly that would be the place of maximum production. The artificially fertilized States will not produce nearly so large a weed, but three to four times the amount of fruit that can be produced elsewhere. The whole coastal plain from Maine to Florida is totally dependent upon artificial fertilization. Outside of a few by-products of other enterprises, there is not a source of nitrogen in America.

We had here in Washington a few days ago a banquet for those who produced the greatest amount of corn and of cotton and of other field products per acre, from our section the greatest amount of cotton, from the Corn Belt the greatest amount of corn. Prizes were awarded to those who produced the greatest amount of corn and cotton and other products. The banquet which was given in commemoration of the event

was to demonstrate the power of Chilean nitrate in the production of these articles. The basis of the fertilizer was nitrate imported by a company in this country from Chile. Every agricultural department in the country has demonstrated that the basis of grain production is nitrogen. We can dispense with phosphoric acid, we can dispense with potash, but give our land an abundance of nitrogen and it will give a maximum yield. Yet the highest-priced ingredient in the fertilization of the soil of the country, the most costly and the scarcest, is nitrogen. Four-fifths of every cubic foot of air is pure nitrogen. The ingenuity of man has discovered the process by which it can be extracted in unlimited quantities.

Believing that the art would develop, we enacted this law because, curiously enough, the very thing we are dependent upon to feed us is the very thing we depend upon to defend us. Nitrogen is the basis of explosives and the basis for grain production. Therefore, we were in a happy position. We could, by virtue of a constitutional provision, provide for the national defense by producing nitrogen and, by the same token, having our great plant during times of peace necessarily always equipped to defend us, we could run it to produce that which during times of peace would feed us. And yet with that solemn dedication on the statute books and with us spending \$150,000,000 of the people's money to demonstrate and carry out this process we propose to stop our work and turn it over to private enterprise. The art is so far developed now that it is said that water power is too dear, that the process is so cheapened that with a minimum of coal, a minimum of power, we can produce a maximum of nitrogen from the by-product of the disintegrated coal in producing the steam, that we can get phosphoric acid and potash to the value of the nitrogen and, therefore, the use of coal is cheaper than the use of water.

No man can sustain that proposition for the reason that water power is as eternal as gravitation and moisture, while the supply of coal in this country is limited. There are inventors and scientists who say it is criminal on our part to run our automobiles with gasoline, that it is criminal to run great manufacturing plants with coal—why? There is not a piece of metal in the world that can become metal until we carbonize it. Carbon is the heart and soul and base of every piece of metal in the world. How are we to carbonize our aluminum and our iron and steel if we foolishly are to destroy our storehouse of carbon in the foolish and wasteful way in which we are now doing it?

Contiguous to this city, almost within its boundaries, is a great water power capable of carrying on every industry in Washington, lighting every house, carrying on the street-car transportation; and why is it not developed? It would pay for itself a thousand times over in the length of time that the Capital has been established and during which time the water has poured over Great Falls. Need we ask why? It is because it is not to the interest of certain corporations to develop it. A bill was passed through this very body appropriating a certain amount of money to develop Great Falls and utilize that power, never young and never old, as eternal as the law of nature itself. All that would have been necessary was from time to time to repair and renew the dynamos and clean out the turbines, with the great engine of nature running all the time; and yet thousands of horsepower are going to waste to the ocean every hour; why?

We are talking about business men and a business proposition. We have too much of it in the wrong place. Mr. President, our duty now is to pass a resolution authorizing the officers who were mentioned and constituted in the original act to proceed at once to utilize the power that is already developed, and to proceed through the proper experimentation to the perfection of the art of fixing nitrogen and combining it with the other ingredients. This is the object of all I have to say: When we, in honor and good faith as a Government, have demonstrated that we can fix all the nitrogen necessary for national defense and can or can not produce fertilizer, then we shall be in a position to lease Muscle Shoals; but I maintain until we do that we have broken faith with the American people and have convicted ourselves of that which I refrain from characterizing on this floor.

The PRESIDING OFFICER. Is there objection to the unanimous-consent agreement proposed by the Senator from Mississippi [Mr. HARRISON]?

Mr. UNDERWOOD. Mr. President, I have only a few words to say in answer to the remarks of my friend from South Carolina [Mr. SMITH]. We are in thorough accord in regard to the purpose of the building of the Muscle Shoals Dam. As the Senator has stated, we collaborated in passing the original act to

create water power for the manufacture of nitrogen for defense and fertilizer in time of peace. I only differ from the Senator in his remarks in which he stated that we may be violating the promise to the American people that we made in the initial act favoring the manufacture of nitrogen for defense and for fertilizer if we shall lease the dam at Muscle Shoals.

Mr. President, if we should lease the dam for manufacturing uses or for some primary purpose other than that of national defense and fertilizer, I would be in entire accord with the Senator from South Carolina. That is the reason I am not in favor of the other proposals that have been made. However, when it comes down to carrying out the purpose—and the purpose of the enabling act was nitrogen for defense and nitrogen for fertilizer, and the issue was not involved as to how it should be made—I myself made a proposal here, which passed the Senate but unfortunately died in conference, which provided primarily that this dam might be leased with an obligation on the part of the lessee to make 40,000 tons of nitrogen and utilizing the entire capacity of the plant, and if that could not be done an alternative was provided that the Government should do it.

Could there be any clearer fulfillment of the obligation of the enabling act than to try to get a private individual to lease and deliver under bond—for the bond he would make would be a primary obligation for a large investment of money—40,000 tons of nitrogen, and, in the event a lease of that kind could not be obtained, that the Government should proceed to operate the plant? It seems to me that was an absolute fulfillment of the act in as strong terms as it was possible to carry it out.

The Senator from South Carolina speaks of the advance in the art of making nitrogen. I agree with him; I, too, think we are in the infancy of the science of chemistry; we are in the infancy of the art of taking nitrogen out of the air; but should we cease our labors and be unprepared because possibly next year or two decades from now a better method may be found?

Mr. SMITH. Mr. President, I object to the Senator from Alabama putting any such words in my mouth.

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. UNDERWOOD. I yield.

Mr. SMITH. What I said was that the art being in its infancy it was the duty of the Government to hold on and advance step by step with every process that might be developed, for the very good reason that any company that invested its money in a plant which day after to-morrow might become obsolete would scrap it, and, if it should, the American people would have to pay twice the value of the scrapped machinery. We are advancing every day in the design of our war vessels and they become obsolete almost overnight. It is the duty of the Government not to jeopardize the hopes and wishes of the farmers of the country by incurring the danger of obsolescence of certain nitrogen plants at Muscle Shoals while the power-development art is being perfected.

Mr. UNDERWOOD. Mr. President, no man would dispute what the Senator from South Carolina has just stated, that we should advance with the art, but we have a finished plant, we have a great dam; we have a large quantity of available horsepower. Despite that, the proposal now is that we should pause, we should stop. I do not say that it is the proposal of the Senator from South Carolina because I am not sure exactly what his proposal is.

Mr. SMITH. Then, let me state it so that the Senator may use it or not as he speaks. My proposal is for the Government to take the art just where it is, utilize whatever power is essential to run the plant to capacity, and as the art develops, change the plant until it shall become standardized.

Mr. UNDERWOOD. I see. The Senator, then, does not propose to lease the plant for an indefinite term until we find out something.

Mr. SMITH. That is right.

Mr. UNDERWOOD. The Senator does.

Mr. SMITH. I said that is my proposition; we ought not to lease it for any term until we find out what is the capacity of the plant and what can be done reasonably with the art of fixing nitrogen.

Mr. UNDERWOOD. Mr. President, that is exactly what I have objected to in all these years and exactly where I differ with the Senator from South Carolina. He proposes to halt the column; I do not.

Mr. SMITH. No; will the Senator state how I propose to halt it?

Mr. UNDERWOOD. The Senator must really allow me to maintain the floor and finish my sentence.

Mr. SMITH. Certainly; but I do not want the Senator to misquote me.

Mr. UNDERWOOD. I am not going to do so.

Mr. SMITH. I do not want to halt; I want to get going.

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. UNDERWOOD. Of course, I would be delighted to yield to my friend from South Carolina, but I can not explain to the Senator unless I am allowed to finish the sentence.

The column that I say the Senator proposes to halt is the column of production. The Senator intends to advance the column of experimentation, of investigation; that is the Senator's column. I have no objection to that column advancing; there is ample opportunity for that column to advance, and the Government has a special experimental station across the river for the advancement of the Senator's column; but on the Tennessee River at Muscle Shoals we have a battalion already prepared for battle.

Mr. SMITH. It is obsolete.

Mr. UNDERWOOD. The Senator from South Carolina says it is obsolete, and that is the cry of those who do not want performance.

The plant was built during war times, and for a short while it ran and produced nitrogen. The same class of plants is being run in the United States to-day and in Canada; in fact the largest producing plant in America is the cyanamid plant across the river from Buffalo. There are other means of producing nitrogen, I admit, but the Muscle Shoals plant can produce it.

Now, the Senator says it is obsolete; but, Mr. President, there are men who have recently submitted bids to the committee to operate the plant which is already there, the column which is already organized, and to produce nitrogen and fertilizer. That is not to be done at the risk of the Government of the United States; it is to be done at the risk of the contractor, and, if his bid is accepted, he has got to make good or surrender his lease. So the real issue is: Shall we allow the battalion of battle, the battalion that is already organized and prepared to produce results, to stop its onward movement, remain where it is until, forsooth, we may experiment in years to come to find out if there is not some better method?

I hope and expect that there will be better methods found; but if we can find somebody who is willing at his own expense to undertake to produce nitrogen and fertilizer with the machinery we now have, why should they not be produced? God knows the farmers of the Southland, if not of America generally, need it. They do not need it 15 years from now or 5 years from now, or 1 year from now; they need it to-day; they need it next year in the preparing of their crops. The plant is organized, the electric power is there, and the only thing that keeps the Government from making a contract for producing actual fertilizer that can go onto the farmer's field is the fact that the Congress of the United States does not allow a contract to be made by which a contractor can deliver results.

Mr. HEFLIN. Mr. President, will my colleague yield to me just there?

Mr. UNDERWOOD. I yield.

Mr. HEFLIN. I want to say that the fertilizer made at Muscle Shoals has been used by the farmers in that locality, and they have testified that it produced a greater amount of cotton to the acre than the common commercial fertilizer now being used.

Mr. UNDERWOOD. Undoubtedly. So that I come back to the original indictment. I am sorry that the Senator from South Carolina and I separate in the advancement of the column. I have no objection in the world to the advancement of his column of experimentation; I think it would be most wise to provide money to allow it to advance; but I do separate from the Senator from South Carolina when he says the battle column that he and I helped to organize, the column that can produce results, shall die without action when there has been an opportunity to advance it.

Mr. COPELAND obtained the floor.

Mr. SMITH. Mr. President, will the Senator from New York allow me just about two minutes, in connection with what the Senator from Alabama has said?

The PRESIDING OFFICER. Will the Senator from New York permit the Chair to inquire of the Senate whether there is objection to the unanimous-consent agreement proposed by the Senator from Mississippi?

Mr. REED of Pennsylvania. May we have it read?

The PRESIDING OFFICER. It will be stated for the information of the Senate.

The legislative clerk read as follows:

Ordered, by unanimous consent, That on Friday, February 25, 1927, immediately after the reading of the Journal, the Senate proceed to the consideration of the bill (S. 4106) to authorize and direct the Secretary of War to execute a lease with the Muscle Shoals Fertilizer Co. and the Muscle Shoals Power Distributing Co., and for other purposes, and continue the same for not more than two hours, at the expiration of which time a vote be taken on any motion pending, if any.

The PRESIDING OFFICER. Is there objection?

Mr. BINGHAM. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. BINGHAM. Does not that require a quorum call, in view of the fact that a vote is to be taken?

The PRESIDING OFFICER. The present occupant of the chair would hold that it does not, in view of the fact that the proposed agreement does not provide for a final vote on the passage of any motion or resolution.

Mr. McKELLAR. May the unanimous-consent request be restated?

The PRESIDING OFFICER. The Senator from New York [Mr. COPELAND] has the floor.

Mr. COPELAND. I yield for the purpose of having the agreement stated.

The PRESIDING OFFICER. The proposed agreement will be restated for the information of the Senate.

The legislative clerk restated the proposed unanimous-consent agreement.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSON. Mr. President—

The PRESIDING OFFICER. The Senator from New York has the floor. Does the Senator from New York yield to the Senator from California?

Mr. SMITH. Mr. President, I shall have to object to this proposed agreement, because I do not understand the last sentence.

Mr. SACKETT. That is all right.

The PRESIDING OFFICER. Objection is made.

Mr. SMITH. I object because I do not understand the purport of the last sentence.

Mr. HARRISON. Mr. President, may I ask the Senator—

The PRESIDING OFFICER. The Senator from New York has the floor. To whom does he yield?

Mr. SMITH. I should like to make a statement, if the Senator will yield to me.

Mr. HARRISON. Will not the Senator reserve his statement until he can get an explanation of what is meant by the proposed agreement, so that we can re-form the unanimous-consent request if necessary?

Mr. SMITH. Yes; if the Senator from New York will yield for that purpose, I will do that.

Mr. HARRISON. What is it that the Senator objects to?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Mississippi?

Mr. COPELAND. I do.

Mr. SMITH. I object to the clause which says that we are to reach a final vote.

Mr. HARRISON. It does not say "a final vote." I had understood that the chairman of the Agricultural Committee, during the two hours granted for the consideration of this matter, might want to make a motion to refer it to his committee.

Mr. SMITH. Or to pass it.

Mr. HARRISON. Or to pass it. That gives to the chairman of the committee the right to make his motion if he wants to. If the Senate should want to take a vote upon the passage of the bill, of course, they have a right to do that under this unanimous-consent request. If I want to make a motion to proceed further with the consideration of this bill, I have a right to make that motion; but it is all up to the Senate.

Mr. SMITH. All right. Put that within the limitation of the two hours; but, as it is, we can discuss it for two hours and then the proposition in the unanimous-consent request is that we are then to proceed to vote on any amendment that may be offered to the bill. If you will put all of that within the two hours, so that at the expiration of the two hours we shall have disposed of the committee proposition, I shall have no objection.

The PRESIDING OFFICER. May the Chair suggest that the proposed unanimous-consent agreement once more be read for the information of the Senate?

Mr. HARRISON. It can not be prolonged longer than two hours unless the Senate, by majority vote, vote for it to be continued.

Mr. McKELLAR. Mr. President, before the proposed agreement is read, may I ask the Senator from Mississippi if this unanimous-consent request does not confine the discussion or debate and the disposition of the matter entirely to that particular proposal?

Mr. HARRISON. The Senate bill.

Mr. McKELLAR. Nothing else?

Mr. HARRISON. A substitute might be offered for it, and a motion might be made to refer it to the committee.

Mr. McKELLAR. I think that ought to be stated in the proposed agreement—"any amendment or substitute."

Mr. HARRISON. Put in "any amendment or substitute," then.

Mr. JOHNSON. Mr. President, will the Senator yield for a moment?

Mr. COPELAND. I yield.

Mr. JOHNSON. May I ask the Senators to defer the acceptance of the matter for a very brief period, until the Senator from Oregon [Mr. McNARY] returns? He was called out of the Chamber, and he will be back in just a few moments; and, as I understood him when he left, there was one part of the proposed unanimous-consent agreement as read that he did not think should be there. He will be back, I am sure, in a very few minutes.

Mr. HARRISON. Very well; let it be pending until he comes back.

Mr. COPELAND. Mr. President—

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SMITH. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from South Carolina?

Mr. COPELAND. I yield.

Mr. SMITH. The Senator from Alabama [Mr. UNDERWOOD] said that I would halt the procession, and he called attention to the fact that there were corporations who in their bids were ready now to proceed, at their expense or at their risk, to make cyanamide or nitrogen in that form. The Senator knows that the proposition of the resolution was that they would produce 40,000 tons at 8 per cent on cost, and there was no limit to cost. Of course, anybody would produce it under those conditions, but the farmer would not use it under those conditions.

There is the possibility of a modification of Nitrate Plant No. 2 to accommodate it more nearly to present methods than the cyanamide process. What would one think of the Government, if we had discovered a process of making guns or some form of explosives that was infinitely better than the ones we were using, if we did not use it? As a matter of course, if it was known before we started into war, and it was possible, we would equip ourselves with the latest improved implement.

That is just exactly the condition now. Right now we can prepare for next year's crop by a modification of Nitrate Plant No. 2 to equip it to meet the advance of the art and produce the stuff.

Mr. UNDERWOOD. Mr. President, if the Senator will allow me—

The PRESIDING OFFICER. Does the Senator from New York yield, and, if so, to whom?

Mr. COPELAND. I yield to the Senator from Alabama.

Mr. UNDERWOOD. I merely wanted to suggest to the Senator that although there are pending offers to make the nitrogen with cyanamide, my proposal has always been, with the limitation "or the products of nitrogen" written in the bill, that we leave it to the Chief Executive of the land to make the contract; and, if there are better methods, it would be in his power to make a contract that would apply those methods.

Mr. SMITH. That is exactly in accord with what I have been saying, except that the Senator would use a private corporation to do that through the instrumentality of the President, while I maintain that it would be more practical and efficient for us to do it for the present as the owners of the plant, with the interests of the people at heart, and not profit. There is the fork of the road. The Government would go on hoping to benefit the people without profit, while the private corporation would go on hoping to benefit the people and thereby increase their profit. That is the difference.

I say until this dead work is done, and the art has reached a point where it can be definitely known what we are leasing, we have no right to lease the plant. We have no moral right to lease it until we have demonstrated what the art may do. Then we could call in a corporation and say, "The Government has now developed this art, or it has been developed by the ingenuity of our inventors, to a point where it is definitely ascertained how much can be produced under given circumstances, and, according to the Government's tests, at what

cost. Now, if you want to lease it, we have something definite to lease to you." As it is now, there is not a scientist in America who would swear that it was possible for the Government to make a contract in regard to this product which is to the best interest of the people.

Mr. CARAWAY. Mr. President, will the Senator from New York yield to me?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Arkansas?

Mr. COPELAND. I do.

Mr. CARAWAY. I merely want to say, in reply to the Senator from South Carolina, that I gather from his statement that he wants to do nothing until there is nothing else that could be done in this case.

Mr. SMITH. No.

Mr. CARAWAY. Just a minute. The Senator says we do not know what we have to lease. We have had 10 years for the Government to try to find out what we have to lease, and we are no nearer to it, according to the Senator's statement, than we were when the war ended.

Mr. SMITH. If the Senator will allow me, in all justice—because I do not generally try to throw bouquets to modify any statement I am going to make—I will state that I have considered the Senator from Arkansas [Mr. CARAWAY] as fair and clear in the position he takes on any question as any man I have had to deal with. We know that we tried the cyanamide process, and it was not satisfactory. Lawsuits arose in my State because of the effect of the lime content on the persons who attempted to distribute it. The best that can be done with it is to mix it with other fertilizers in the manufacturing process.

In a word, what I am saying is this: Let the Government now, in the present empirical stage of the art, carry on experiments just as we are experimenting in other departments until there is a reasonable surety that the art has reached a definite stage. In the meantime, let the Government be producing to the full capacity of the last word in the art. If, after a series of years, the art is not any further developed, then we will know exactly what we have. Until we do, now that we have possession of it, let us hold on to it until the art, in its rapid development, has reached a definite stage. I think I can say without fear of contradiction that there is no art known that has developed more rapidly than that art has in the last four or five years. Until we do know what we have possession of, as I say, let us hold on to it.

Mr. CARAWAY. Mr. President, will the Senator yield to me for just a minute?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from South Carolina?

Mr. COPELAND. I yield for the reply of the Senator.

Mr. CARAWAY. Of course the Senator from South Carolina disarms me by saying that I am ordinarily fair and clear, and I must concede that he is always fair and clear; but if what he says does not resolve itself into the proposition that you shall do nothing until you find out that you can do nothing else, I do not understand his argument. In the next place, the Senator from South Carolina says that the process of manufacture where the corporation agrees that it will make 40,000 tons at cost plus 8 per cent would result in its making the product, but no one would buy it. I am curious to know why a corporation should want to make its processes of manufacture so extravagantly high, and conduct them under such uneconomic conditions, although it has to continue year in and year out making 40,000 tons of this material, that it can not sell a pound of it; it will be a dead loss every day in the year.

Mr. SMITH. If the Senator will allow me, that was one of the very objections to the bill, because there was a provision in the contract that if they found it was unprofitable there was a loophole for them to get out.

Mr. CARAWAY. There is not in this contract.

Mr. SMITH. It is in the very one that we passed. I do not know what is in this one.

Mr. CARAWAY. The Senator is unwilling for us to find out. I am curious to know why anybody in America should say, "There is no hope of progress except through governmental agencies." The Government never has done anything that has been in excess, so far as cheapness and efficiency is concerned, of what private initiative has done. It had to turn to private concerns to arm its soldiers, although it has had arsenals ever since the Revolutionary War.

We were going to arm our troops with Springfield rifles, and then we found out that we did not even have the patterns, and if it had not been for private initiative we would have had an Army without a gun, as we had an Army without explosives, as we had one without sufficient field artillery.

I think that every man's experience on this floor will justify the assertion that if we look for the Government to lead the way to some cheap and efficient and economical development, we are going to wait a long, long time.

We have waited 10 years for the Government to do something with Muscle Shoals, and we have always been met with the statement that they are just about to discover some process that will make it entirely a success but never have succeeded. It is always just about to succeed. I submit that we have waited long enough on this problem.

Mr. COPELAND. Mr. President, may I ask the Chair what the parliamentary situation is?

The PRESIDING OFFICER. There is pending a unanimous-consent agreement proposed by the Senator from Mississippi.

Mr. McKELLAR. Mr. President, so that there can not be any misunderstanding about it, I object.

The PRESIDING OFFICER. Objection having been made, the question is on the amendment of the Senator from Arizona.

Mr. HARRISON. Mr. President, I will wait until the Senator from New York gets through, and then I shall make a motion to proceed to the consideration of the measure about which I asked unanimous consent.

Mr. HARRISON subsequently said: Mr. President, in the interest of harmony and peace, may I be permitted to submit my unanimous-consent request again? I think now it will not elicit any objection.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). The proposed unanimous-consent agreement will be read for the information of the Senate.

The legislative clerk read as follows:

Ordered, by unanimous consent, That on Friday, February 25, 1927, immediately after the reading of the Journal, the Senate proceed to the consideration of the bill (S. 4106) to authorize and direct the Secretary of War to execute a lease with the Muscle Shoals Fertilizer Co., etc., and continue the same for not more than two hours.

The PRESIDING OFFICER. Is there objection?

Mr. McKELLAR. Mr. President, a few moments ago I objected to the unanimous-consent agreement as it was presented because, apparently, at the close of the proposed agreement there was a suggestion that a final vote might be required. That provision has been stricken out, and I now have no objection to it at all.

Mr. MOSES. Mr. President, I merely wish to suggest the absence of the Senator from Nebraska [Mr. NORRIS].

Mr. McNARY. Mr. President, I can speak for the Senator from Nebraska. I think I must supplement the proposition now presented by saying, with reference to the agreement that during the hour or two hours given for discussion of the measure, I, as chairman of the Senate Committee on Agriculture and Forestry, will move to recommit the bill and all other bills for further consideration to the Committee on Agriculture and Forestry. I only mention that so that anyone who is desirous of being present for the purpose of meeting that issue may know that it is to be presented.

Mr. CARAWAY. That does not necessarily mean that the Senator expects to get a vote in the two hours?

Mr. HARRISON. Oh, no.

The PRESIDING OFFICER. Is there objection?

Mr. TRAMMELL. Mr. President, may I make the suggestion to the Senator from Mississippi that in view of the fact that he will have two hours' debate on the question, not more than 15 minutes should be allowed to any one Senator.

Mr. HARRISON. I have no objection to that suggestion.

Mr. TRAMMELL. I suggest that as an amendment.

Mr. HARRISON. Adding "and that each Senator be limited to not more than 15 minutes."

Mr. McNARY. I could not agree to that provision. I do not believe that would conform to the pleasure of the Senator from Nebraska, and therefore, I must object, if that provision is included, until the Senator from Nebraska is present.

The PRESIDING OFFICER. The Senator from Nebraska has just entered the Chamber. The proposed unanimous-consent agreement will be once more read for the information of the Senate.

The legislative clerk read the unanimous-consent agreement, as modified, as follows:

Ordered, by unanimous consent, That on Friday, February 25, 1927, immediately after the reading of the Journal, the Senate proceed to the consideration of the bill (S. 4106) to authorize and direct the Secretary of War to execute a lease with the Muscle Shoals Fertilizer Co., etc., and continue the same for not more than two hours, and that each Senator be limited to not more than 15 minutes.

Mr. HARRISON. May I say to the Senator from Nebraska that the last suggestion was made by the Senator from Florida [Mr. TRAMMELL].

Mr. NORRIS. I have no objection to that.

The PRESIDING OFFICER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

BOARD OF VISITORS TO THE PHILIPPINES

Mr. BINGHAM. I ask unanimous consent that the bill (H. R. 4789) providing for the biennial appointment of a board of visitors to inspect and report upon the government and conditions in the Philippine Islands, be taken from the calendar and referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDING OFFICER. Without objection, the bill will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. KING. I ask the Senator what is the bill?

Mr. BINGHAM. It is House bill 4789. When reached on the calendar objection was made that it should be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. KING. If the Senator asks unanimous consent that the bill be taken from the calendar, I object.

The PRESIDING OFFICER. The Senator from Utah will have to ask unanimous consent to reconsider the action by which the bill was referred to the committee, inasmuch as the Chair had put the question and there was no objection.

Mr. KING. I confess I did not understand the Chair had ruled that it was referred.

The PRESIDING OFFICER. The Chair had referred the bill before the Senator entered his objection. The Chair thought he had waited a sufficient length of time before the order was made.

Mr. KING. Will the Senator from Connecticut assure me that he will give me ample opportunity to express my views when the bill is taken up? I tell the Senator I shall oppose it and do everything I can in a parliamentary way to defeat it, but if the Senator will advise me when he intends to bring it up that I may be present, and I am usually here, I shall not move now to reconsider the action taken.

Mr. BINGHAM. Certainly I shall do so.

CLAIMS OF THE ASSINIBOINE INDIANS—CONFERENCE REPORT

Mr. WHEELER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2141) entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 2, 5, 6, and 7.

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to same with the following amendments: Line 13 of the engrossed amendments strike out the words "or any"; and after the word "treaty" insert the words "agreement or"; line 14 of the engrossed amendment, after the word "or," insert "any"; page 2, line 8, of the engrossed amendment, strike out the following: "any act or acts of Congress, or by any treaty made with any other Indian tribe or nation" and insert in lieu thereof "the Government of the United States by acts of Congress or otherwise."

That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to same with the following amendment: Strike out "together with interest thereon at 4 per cent per annum from the date thereof" and insert in lieu thereof the following: "together with any interest thereon which may have accrued by virtue of the failure or delay of the United States to pay over to or employ for the benefit of the Assiniboine Indian Nation or Tribe, moneys so required to be paid or employed by any act of Congress, at the rate of interest provided by such act or acts of Congress."

That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to same with the following amendments: Page 2, line 6, of the engrossed amendments, strike out the word "tribes" and insert "tribe"; and strike out the word "bands" and insert "nation"; line 7, of the engrossed amendments, strike out "or any of them."

Page 3, line 2, of the engrossed amendments, strike out "tribes" and insert "tribe"; and the Senate agree to same.

B. K. WHEELER,
RALPH H. CAMERON,
JOHN B. KENDRICK,
Managers on the part of the Senate.

SCOTT LEAVITT,
WILLIAM WILLIAMSON,
CARL HAYDEN,
Managers on the part of the House.

The report was agreed to.

LOWER COLORADO RIVER BASIN

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3331) to provide for the protection and development of the lower Colorado River Basin.

Mr. COPELAND. Mr. President, I am very much obliged to the President for giving me recognition. I have been trying to get recognition ever since the Senator from Arizona presented his various motions, first relating to the Veterans' Bureau bill, and second, relating to the alien property bill.

I yield to no man in the Senate in my regard for the Senator from Arizona. I like him for himself, for the great university from which he came, and for his many fine qualities and his senatorial ability. But having applied this sugar coating I want to say that I think it was very unfair for him to place Senators in the position of having to vote against measures so very close to their hearts, measures which they thoroughly indorse. I have indulged in filibustering myself, and I think there are times when a filibuster is the proper means of defeating legislation. However, in justice to Senators, I think it was unfair of the Senator to cause any Member of the Senate to be under the necessity at this time of voting against certain measures for parliamentary reasons alone.

Mr. ASHURST. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Arizona?

Mr. COPELAND. It is only right that I should yield.

Mr. ASHURST. I shall not fear to be unfair to Senators, if by being unfair to Senators I may thereby be fair to the soldiers who upheld our standard in the iron storm of war.

Mr. COPELAND. Well, Mr. President, this very statement confirms the feeling which I have regarding the proposal of the Senator from Arizona to displace the pending measure, against which he is urging every effort to bring up this other matter, which will be treated and considered in an orderly way at the proper time.

Mr. ASHURST. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Arizona?

Mr. COPELAND. Of course I do.

Mr. ASHURST. Since it is certain that the Swing-Johnson bill, the Boulder Canyon bill, could not pass the Senate, instead of being unfair, am I not fair to the Senate, and fair to the soldiers, in stating the fact boldly and moving to take up legislation which a majority are for?

Mr. COPELAND. The reason the Johnson-Swing bill can not pass is because of the well-organized filibuster led by the Senator from Arizona. If this bill could be voted upon on its merits at this moment, it would be overwhelmingly carried by the Senate.

Mr. ASHURST. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Arizona?

Mr. COPELAND. I yield further to the Senator.

Mr. ASHURST. That statement may be true, but there are few Senators who know what this bill is.

Mr. COPELAND. I thank the Senator.

Mr. ASHURST. Let me say—

The PRESIDING OFFICER. Does the Senator from New York yield further?

Mr. COPELAND. I yield.

Mr. ASHURST. I am not inveighing against the Senator because of his lamentable, abysmal ignorance on this bill. I myself, confess an ignorance, and I have studied it for three years. It is one of the most complex bills ever presented, and I did not mean that description as an epithet. In his chosen profession the Senator is a master, honored by the Nation. In the field of literature he has some importance, and we belong to the same alma mater, as he has said. He possesses the power to write with a fluidity and a ductility that attracts the great metropolitan journals, and my family and I read his articles, and read them with profit and with interest, and it is no epithet, therefore, to say to him that he is profoundly,

lamentably, abysmally ignorant on the subject of the Boulder Canyon bill, which he is trying to drive through. [Laughter.]

The PRESIDING OFFICER. The Senate will be in order.

Mr. COPELAND. Mr. President, the Senator is very welcome. I thank him for his fine words about my writings. I hope the message he has given here will be conveyed to the publishers, in order that the recompense may be increased. But the Senator has admitted that he is in abysmal ignorance regarding his own bill—

Mr. ASHURST. Oh, no—

Mr. COPELAND. Regarding the bill which he is seeking to defeat.

Mr. ASHURST. Mr. President, it is not my bill. The Committee on Irrigation and Reclamation labored for months, and brought in a bill providing for an issue of bonds in the amount of \$125,000,000, whereupon I made the point that the Senate was not the eligible authority to originate legislation proposing a bond issue, whereupon the Senator from California [Mr. JOHNSON] retreated precipitately and properly from such provisions, because he is a great lawyer. Now we are invited to consider a bill different in character from the bill the committee reported. Is there a Senator here who has read the bill as it has been proposed to be amended by the learned Senator from California? If so, I pause for his answer.

Mr. COPELAND. Has the Senator finished?

Mr. ASHURST. I am obliged to the Senator. I must not trespass on his courtesy.

Mr. COPELAND. Mr. President, in spite of the eloquence of the Senator from Arizona and his very positive statement of his convictions of heart and soul, I am sure I am right in saying that the Senate, if it had an opportunity—it may be because of the abysmal ignorance of the Senate, to use the language of the Senator from Arizona, or it may be because of its enlightened knowledge of the measure before us—I am sure the Senate would vote favorably upon the measure.

If this bill is not brought to a vote in the Senate, it will be because of one of the best organized filibusters ever put over the United States Senate. If the Senator from Arizona were not a great lawyer and a great Senator, if I were the president of one of the South American republics I would hire him at a million dollars a year to run my army, because he certainly is a success as a field general.

Mr. ASHURST. Mr. President, I did not hear all of that, and it must not escape me. [Laughter.]

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Arizona?

Mr. ASHURST. I did not have any sleep last night, and I failed to hear that.

Mr. COPELAND. It was mere persiflage and is not worth while repeating.

Mr. ASHURST. Will the Senator yield to me?

Mr. COPELAND. Of course.

Mr. ASHURST. I do not want to act as a Uriah Heep. I admire the Senator from New York but, if I be a filibuster, I learned the method from him. When there was before the Senate the Isle of Pines treaty, the Senator from New York split the ears of groundlings. He was for eight hours the most peripatetic orator who ever served in the Senate, and he walked all over the Chamber and spoke luminously and ably, opposing that treaty, and I agreed with him.

Mr. COPELAND. For eight hours?

Mr. ASHURST. For eight hours the Senator spoke in opposition to the Isle of Pines treaty, he and I mustered six or seven votes. I see here my learned friend the Senator from Ohio [Mr. WILLIS]. He voted with us.

Mr. WILLIS. There were 15.

Mr. CARAWAY. And there were 15 of you wrong. [Laughter.]

Mr. ASHURST. When I put my hand to a proposition, there will not be any default or any neglect. The filibuster, with which the Senator is pleased to charge me, will be successful.

Mr. BRATTON. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. The Senator from New York has the floor. Does he yield?

Mr. COPELAND. I yield to the Senator.

Mr. BRATTON. I want to inquire under what order of business we are operating.

Mr. COPELAND. Mr. President, the Senator from New York learned something from his filibuster on the Isle of Pines treaty. I spoke for eight hours, and, as the Senator has said, got 15 votes. It will be a wonder to me if the Senator from Arizona and his cohort get half a dozen votes against this bill. They will defeat the measure, because of the shortness of the time and the quality of the filibuster, and not by reason of

any logic or any conviction brought to the soul of any Senator in this body by reason of arguments presented.

Mr. ASHURST. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Arizona?

Mr. COPELAND. It is only fair, of course, that I should yield.

Mr. ASHURST. I hold in my hand copy of a compact signed on the 13th day of January, 1927, among the States of New York, Pennsylvania, and New Jersey, affecting the Delaware River. The Governor of New York has protected the State of New York against Federal domination. Does the Senator from New York agree with the efforts of the present Governor of New York in that respect?

Mr. COPELAND. In that respect, and in every other.

Mr. ASHURST. Then, why am I to be pilloried as a filibusterer because, forsooth, I stood for my State, just as the governor of the Senator's own State stands for his? If it be wrong for me to try to protect Arizona, why is it not wrong for the Governor of New York to protect New York?

Arizona is contending as New York contends, and so long as I am here the rights of Arizona will not be overthrown, Arizona shall not be exploited with my consent.

New York may have more votes than Arizona; but in this Chamber all men are equal. Arizona, in the Senate, is the peer of New York, New Jersey, Virginia, or California. Let that be understood now. I have very scant patience with the expressions of contempt and with the snarls which come from lips here when I attempt to defeat the Swing-Johnson bill. Arizona is a sovereign State, and this hand that holds high her effulgent standard will hold that standard with a firm grasp.

Mr. COPELAND. May I say to my friend from Arizona that neither his hand nor voice can be considered weak on this subject. He has presented the matter well.

Mr. ASHURST. I am completely disarmed now.

Mr. COPELAND. I was very much pleased at the happy reference of the Senator from Arizona to the governor of my State. He asked me if I agreed with him on this matter of the tri-State compact. My reply was that I agreed with that and with everything else in a public way that has been undertaken by the Governor of New York. I hope that the happy reference of the Senator from Arizona means that he will be numbered with the enthusiastic Democrats who will nominate Alfred E. Smith for the Presidency in 1928 and put him in the White House.

Mr. ASHURST. Mr. President, nobody is authorized to commit me to the Governor of New York, or to anyone else, for the Presidency. I am not making commitments as to the Presidency now. I am engaged in defeating the Swing-Johnson bill and not taking any part in making or unmaking Presidents.

Mr. COPELAND. The Senator wanted to know if I did not consider that the compact between the States of Pennsylvania, New York, and New Jersey was parallel to the matter here under consideration and that the same course should be followed in the pending matter as was taken in the matter of the tri-State arrangement. There is no more relation between those two projects, the tri-State plan in the East and the Boulder Canyon project in the West, than there is between the camels which Lieutenant Beale brought over from Africa and sent across Arizona in the early forties, and a groundhog—no more. They are entirely different.

The purpose of the tri-State arrangement was to safeguard the interests of those three States as regards the particular project which was being undertaken. If I am any judge at all of the matter pending before us now, the project does not hazard, in any way, the rights or future possibilities of development of the State of Arizona. But I did not rise for the purpose of discussing this problem, but for another one.

The Senator from Arizona proposed to replace the pending measure with the German alien property bill. I am sure there is no Member of this body more interested in that bill, involving the return of the German property, than is the Senator now speaking.

We entered into a war with the German nation and emerged from that war victorious. We have demanded nothing from that conquered nation to repay us for our injuries, for our costs, or for the necessary upheaval of our whole economic structure. We have said that we fought for a principle, and we have maintained that principle.

The cost of this war was staggering beyond human belief. It was inevitable that some of our own citizens should be injured, and it is the part of the conqueror to impose upon the conquered the payment for such injuries.

But who, in this instance, is the conquered? Is it the German nation as a whole, or is it those few whose property the

Alien Property Custodian now holds? If we take from the German nation as a whole sufficient to compensate our citizens for the damage done to them, then the proper debtor is paying his debt. But if we take in whole or in part the property, not of the German nation as a whole but of a few individuals to satisfy the claims of our citizens, then we are seizing without right, warrant, or justice property which does not belong to the debtor. Under these circumstances, to do so is to subject our Nation to the penalties imposed by the commandment—Thou shalt not steal.

I believe that in the name of morals and of law and of decency we should return this property. It is not fair that any Senator should be put in the position before the country of having opposed that very laudable, very proper, very righteous, and very necessary bill.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. COPELAND. When the time comes, so far as I am concerned, I am going to give every bit of my power and such influence I possess and the vote I have to the passage of the bill. I yield to the Senator from Arizona.

Mr. ASHURST. I am sorry the Senator placed upon my shoulders the responsibility for his voting against this bill. I did not direct his vote. All he had to do was to be a free man, to vote the way his mind and heart told him. I abandon any attempt to describe the bill better than he has done. He says he is going to labor here to secure the passage of that bill. Sir, have you read John J. Ingalls's poem "Opportunity"?

Master of human destinies am I!
Fame, love, and fortune on my footsteps wait.
Cities and fields I walk; I penetrate
Deserts and seas remote, and passing by
Hovel and mart and palace—soon or late
I knock unbidden once at every gate.
If sleeping, wake; if feasting, rise before
I turn away. It is the hour of fate,
And they who follow me reach every state
Mortals desire, and conquer every foe
Save death; but those who doubt or hesitate
Condemned to failure, penury, and woe,
Seek me in vain and uselessly implore,
I answer not and I return no more.

Sir, you may never have another chance in this Congress to vote for that bill. You may have had your day of grace.

Mr. COPELAND. Is it not a pity, Mr. President, that we have to consume any of our time with the ordinary routine business of the Senate when we have one so eloquent, so fascinating, so seductive, as the Senator from Arizona?

Mr. ASHURST. The Senator can not get me to vote for his bill by talking that way.

Mr. COPELAND. Mr. President, having been up all night on official business, I think Senators must agree that I have shown some degree of patience in yielding to my various colleagues who have had bills to introduce and reports to submit. If I am to conclude, however, before the end of the hour I must proceed.

If the Senate shall have no opportunity to vote in an orderly way upon the alien property return bill, it will be the fault of the Senator from Arizona [Mr. ASHURST].

But I have fault to find with him, not alone because he brought up that bill and attempted to substitute it for the pending unfinished business. He used his influence to substitute other bills, the authors of which did not see fit to accede to his request. In addition to the bills I have mentioned was the bill to provide loans to veterans upon the security of their adjusted-service certificates.

Mr. President, no veteran in this country, certainly not in my State, is ever going to question my loyalty to the veterans or my devotion to the cause of the veterans.

Mr. ASHURST. Mr. President, will the Senator from New York yield to me there?

Mr. COPELAND. I yield to the Senator.

Mr. ASHURST. Mr. President, I would be cowardly if I failed to say that the statement of the Senator from New York is absolutely true. The ex-service man in this country will look in vain for a better friend in a practical, sensible way than is the Senator from New York. I want that to go into the Record.

Now, let me make a short statement. The Senator from New York has put me into a position where apparently I need exculpation. I deny categorically and emphatically that I intended or attempted to embarrass anybody by moving to take up those two bills. I am profoundly convinced and was then profoundly convinced that the pending bill can not pass.

Mr. COPELAND. Pardon me. No one better than the Senator from Arizona can speak on that subject.

Mr. ASHURST. With that knowledge or with that firm belief, what unfairness was there in moving to take up those two bills?

Mr. COPELAND. Mr. President, I can yield no further. If the Senator from Arizona does not see the unfairness, if he has not on this occasion that brotherly consideration which is so characteristic of him, then I can not by any poor words of mine bring home to him the embarrassing position in which he has placed some of us who are favorable to the legislation which he has used as a part of a filibuster.

Mr. ASHURST. Mr. President, will the Senator yield for a question?

Mr. COPELAND. I yield for a question.

Mr. ASHURST. Wherein have I been unfair in being an humble medium of affording the Senator from New York an opportunity to vote for two bills which he favors?

Mr. COPELAND. Ah, Mr. President, the Senator from Arizona and every other Senator here knows that there is prepared by the dominant party across the aisle, through its steering committee, a program of procedure.

Mr. ASHURST. Now will the Senator yield at that point?

Mr. COPELAND. Oh, no; Mr. President, I am not going to yield any more. I want to finish my remarks.

Mr. ASHURST. I will say that I do not blame the Senator from New York. He has been more than generous. He may not have been just this afternoon, but he has been generous.

ORDER FOR ABSENT SENATORS

Mr. NEELY. Mr. President, will the Senator from New York yield to me?

Mr. COPELAND. I yield to the Senator from West Virginia.

Mr. NEELY. Mr. President, at 3 o'clock this morning the Senate, on my motion, adopted an order directing the Sergeant at Arms to arrest the absent Members of the Senate and bring them here in order that the Senate might transact business. As the purpose of the order has been accomplished, I ask unanimous consent that the proceedings under it be discontinued.

The PRESIDING OFFICER. Without objection, the order will be discontinued. The Senator from New York.

Mr. COPELAND. Mr. President, may I ask my friend from West Virginia, does that also release the Senator from New York from arrest and custody?

Mr. NEELY. Yes, Mr. President; provided the eloquent Senator from New York will promise never again to absent himself from a session of the Senate without leave, even for an hour.

LOANS TO VETERANS UPON CERTIFICATES

Mr. COPELAND. Mr. President, the Senator from Arizona attempted out of order—I mean out of the order imposed upon us by the party in power—to force action upon and discussion of two measures of vital interest to Senators as well as to millions of citizens. I know that the time will come during the next few days when by our votes we may demonstrate our desire to pass those measures. Having said that much, I am going to turn away for the moment from my very patient friend from Arizona, my eloquent and usually sweet friend from the great Southwest.

Mr. President, no veteran in this country is going to be misled by what the Senator from Pennsylvania said the other night.

Mr. REED of Pennsylvania. Mr. President, is this a private fight, or am I to be admitted into it now? [Laughter.]

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Pennsylvania?

Mr. COPELAND. I have already yielded, Mr. President; and I may say to my friend from Pennsylvania that we are going to have a little private fight for a few minutes, and I suppose when it is over I shall have another black eye. However, that is a penalty of alleged statesmanship, is it not?

The other night the Senator from Pennsylvania sought to place upon the broad shoulders of the Senator from New Mexico [Mr. BRATTON] the failure of decisive action at that session on the veterans' loan bill. Mr. President, I want to remind the veterans of this country while they are in their present position regarding these loans that when this matter was up for discussion in 1924 there were some of us upon this floor who tried in season and out of season to give the veterans a cash option. Instead of presenting to them a graveyard benefit, to be paid about the time they are ready to die, they would have had the use of the money during these three years to carry on their enterprises, to set themselves up in business, to buy little homes, to go forward in the way they were entitled to go because of the sacrifices they made in the great World War.

I think one of the things which has sickened the American Nation of war was the contrast between the men who stayed at

home and enjoyed the benefit of high wages and the opportunity to profiteer and to acquire great fortunes and the men who sacrificed comfort, time, opportunity, health, and life when they went across the sea.

Mr. President, the memory of man is short, and we live in an age of camouflage. There will be influence used to make the veterans feel that somehow or other those who defeated the cash bonus in 1924 have become great friends of the soldiers. In April of 1924 I presented to the Senate a cash option bill. I argued for the bill providing for the cash bonus, but when that was put up to the Secretary of the Treasury—"the greatest Secretary of the Treasury since Alexander Hamilton!"—

Mr. HEFLIN. Is the Senator committing himself to that characterization?

Mr. COPELAND. Oh, no; I put it in quotation marks, I will say to my friend, with an exclamation point after it.

Mr. HEFLIN. I am glad to hear that is so.

Mr. COPELAND. The bill introduced by me to which I have referred was presented to the Secretary of the Treasury, and on March 7, 1924, "the greatest Secretary of the Treasury since Alexander Hamilton!" said the country could not stand it. We could not stand it; why? The last paragraph of his letter is as follows:

It should also be borne in mind that the Finance Committee has under consideration H. R. 6715, a bill to reduce and equalize taxation, to provide revenue, and for other purposes, and, if such bill becomes a law with its present provisions, it is estimated that there will be a reduction in revenue for the year 1925 of about \$450,000,000. It is estimated the reduction is greatly in excess of the surplus for the year 1923, and it will undoubtedly result in a deficit. To add expenditures resulting from the proposed bill—

The cash bonus bill—

would necessarily mean a further increased deficit, which could only be met by taxation in some form and would undo the work of tax reduction.

I want every veteran in this country to recall that this administration, headed by the President of the United States and largely influenced by the Secretary of the Treasury, Mr. Mellon, set up the question of tax reduction against the rights and privileges of the veterans and their opportunity to have such a bonus. There could be no tax reduction if there was a cash bonus was the argument used.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield?

Mr. COPELAND. I think it is only fair to yield to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. The Senator speaks of his desire to benefit the veterans and to help pass the bill allowing loans on their adjusted-compensation certificates. I want to say to the Senator that if at this minute he will ask unanimous consent to take up and pass that bill, with the amendment proposed by the Senator from New Mexico [Mr. BRATTON], I will be glad to agree to it.

Mr. COPELAND. Does the Senator mean with the amendment attached to the bill?

Mr. REED of Pennsylvania. Yes; with the amendment attached to the bill.

Mr. COPELAND. Mr. President, I ask unanimous consent—

Mr. ROBINSON of Arkansas. I suggest that a unanimous-consent agreement has been entered into to consider that bill to-morrow, and that in all probability it had better follow the arrangement that has already been made.

Mr. COPELAND. Of course I bow to the Senator from Arkansas; but I want to say that so far as I am concerned, I am ready to accept the challenge of the Senator from Pennsylvania [Mr. REED] right this minute.

Mr. REED of Pennsylvania. Then why does not the Senator accept it? I am ready to see the bill passed right now with that amendment on it. If the Senator is so anxious to see it passed, why does he not ask it?

Mr. COPELAND. Mr. President, I do ask that that be done right now—that the pending business be temporarily laid aside, and that we vote now on this question.

The VICE PRESIDENT. There would have to be a quorum call. The proposed agreement fixes a time for voting.

Mr. COPELAND. I hope some Senator will suggest the absence of a quorum. I do not want to lose the floor.

Mr. CAMERON. I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Arizona suggests the absence of a quorum. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McKellar	Schall
Bingham	Fletcher	McMaster	Sheppard
Blease	Frazier	McNary	Shipstead
Borah	George	Mayfield	Shortridge
Bratton	Glass	Metcalf	Simmons
Broussard	Goff	Moses	Smith
Bruce	Gooding	Neely	Steck
Cameron	Hale	Norris	Stephens
Capper	Harris	Nye	Stewart
Caraway	Harrison	Overman	Swanson
Copeland	Hawes	Phipps	Trammell
Couzens	Heflin	Pine	Tyson
Curtis	Howell	Pittman	Walsh, Mass.
Deneen	Johnson	Ransdell	Walsh, Mont.
Dill	Jones, Wash.	Reed, Mo.	Warren
Edge	Kendrick	Reed, Pa.	Watson
Edwards	Keyes	Robinson, Ark.	Wheeler
Ernst	La Follette	Robinson, Ind.	Willis
Ferris	Lenroot	Sackett	

Mr. BRATTON. I desire to state for the RECORD that my colleague [Mr. Jones of New Mexico] is necessarily absent on account of illness.

The VICE PRESIDENT. Seventy-five Senators having answered to their names, a quorum is present. The Senator from New York asks unanimous consent for an immediate vote upon the veterans' loan bill, as amended. Is there objection?

Mr. TYSON. Mr. President, a parliamentary inquiry: What is the situation of that bill?

The VICE PRESIDENT. The bill is in the Senate, and the question is on concurring in the amendment made as in Committee of the Whole.

Mr. TYSON. What is the amendment? Is it the soldiers' bill?

The VICE PRESIDENT. The soldiers' bill.

Mr. TYSON. Mr. President, I was in the Senate at the time this unanimous-consent agreement was made, and no roll call was had at that time.

The VICE PRESIDENT. Consent has not yet been given. Unanimous consent is asked. The quorum was called for the purpose of making it possible to present the request for unanimous consent fixing a time to vote.

Mr. TYSON. In view of the fact that one hour to-morrow has been set aside for this purpose, I shall have temporarily to object, unless the Senators on the other side, who have been opposing Senate bill 3027, will agree that we shall have a time to consider that bill, and, after having had two or three hours upon it, to get to a final vote.

Mr. BINGHAM. Mr. President, my understanding was that this request made by the Senator from New York [Mr. COPELAND] was with regard to a bill providing loans to the soldiers who are entitled to compensation, that there was no objection to that bill, and that it was hoped that the bill might be passed immediately. That was my understanding of the request of the Senator from New York.

Mr. COPELAND. Not quite. It includes the amendments made the other night.

Mr. REED of Pennsylvania. That was the understanding—with all amendments heretofore made—and the request is for an immediate vote on final passage.

Mr. BINGHAM. No other bill should be put on it as an amendment which would endanger its passage.

Mr. TYSON. Mr. President, the Senator from Connecticut [Mr. BINGHAM] and the Senator from Pennsylvania [Mr. REED] kept the bill from passing the other night. They are the Senators who kept the bill from passing. We now have a unanimous-consent agreement that this bill is to be taken up to-morrow, as I understand, at 3 o'clock, and debated for one hour. Therefore it already has a status, and I see no reason why the proposed agreement should be made at this time.

Mr. BINGHAM. But it is the Senator from Tennessee now who is preventing us from voting on the bill we all want to pass.

Mr. TYSON. Very true; but the Senator from Connecticut has been preventing me from getting a vote for about a year and a half now.

Mr. BINGHAM. That is another bill.

Mr. TYSON. Now the Senator desires to get the soldiers' bill through, when he has been trying to kill it for a very long time.

Mr. BINGHAM. That is another bill. The Senator from Tennessee must not charge me and others with attempting to kill the bill which the Senator from New York has now asked to have passed, which I am in favor of, and have been in favor of, and he is asked to let it pass now without further debate.

Mr. NEELY. Mr. President, a parliamentary inquiry: Who has the floor?

The VICE PRESIDENT. The Senator from Tennessee [Mr. TYSON] has the floor.

Mr. NEELY. Will the Senator from Tennessee yield to me?

Mr. TYSON. I yield.

Mr. NEELY. The Army officers' retirement bill which the Senator from Tennessee is sponsoring and which proposes to grant relief to approximately 1,500 commissioned officers is, in my opinion, a highly meritorious measure. I purpose to aid to the limit of my capacity in enacting it into law. There is on the Senate Calendar a bill (H. R. 16886) to authorize the director of the United States Veterans' Bureau to make loans to veterans upon the security of their adjusted service certificates. This bill proposes necessary relief for more than 3,000,000 enlisted men. It ought to be passed without a moment's delay.

Mr. President, these very worthy measures are not dependent. They are independent. The latter is practically without opposition. The former is opposed by some of the most ferocious and effective filibusterers in the Senate. We can pass the latter, if it be unincumbered by the former, in 5 minutes. But if the measures are joined both of them will probably be defeated.

Is it possible that the distinguished Senator from Tennessee [Mr. TYSON] who, as a great and gallant general, commanded 8,000 of our enlisted men in the World War, and the equally able Senator and courageous ex-soldier from Connecticut [Mr. BINGHAM], intend to grind the proposed legislation for both officers and enlisted men of the World War between the upper and nether millstones of their conflicting legislative undertakings?

Mr. REED of Pennsylvania. Will the Senator yield for a question?

Mr. NEELY. Will not the Senator from Tennessee now permit us to dispose of the enlisted men's loan bill upon the assurance that all of us who have been supporting his retirement bill will do everything in our power to assist him in passing it through the Senate? Let us not throw away the present opportunity to afford great relief to the World War veterans simply because a few willful Members of the Senate refuse for the moment to permit us to perform a valuable service for 1,500 deserving and disabled officers.

Mr. REED of Pennsylvania. If this procedure continues, nobody will get any relief; and not only will the enlisted men be denied the relief that I know the distinguished Senator from Tennessee wants to have them granted, but the officers whose bill he is sponsoring will be denied any relief also.

Mr. TYSON. Mr. President, I wish to say to the Senator that this bill is set for to-morrow at 3 o'clock. There is to be an hour of debate upon it. There is no question about that bill being passed to-morrow. Therefore I shall have to ask if these two Senators will give me the assurance that the Senator from West Virginia said I should have in regard to Senate bill 3027, the emergency officers' retirement bill. If these two Senators, one from Pennsylvania and the other from Connecticut, will give their consent there will be no trouble about passing that bill.

Mr. REED of Pennsylvania. Mr. President, I would agree that the Tyson bill should be substituted in the unanimous-consent agreement for to-morrow, so that it could be debated at the same time as suggested in the agreement propounded by the Senator from Arkansas.

Mr. HEFLIN. Provided we vote now on this bill.

Mr. REED of Pennsylvania. Provided you will dispose of this bill now.

Mr. ROBINSON of Arkansas. Mr. President, it is easily within the power of the Senate, under the unanimous-consent agreement entered into this morning and of which I gave notice yesterday, to vote upon both the veterans' loan bill and the amendment proposed yesterday by the Senator from Tennessee providing for the retirement of disabled emergency officers.

Of course, the object of the Senator from Pennsylvania in making the suggestion at this time is to divest himself of the responsibility which he so readily assumed Monday evening in defeating the veterans' loan bill, and at the same time his object is to make certain that the Senate will not consider the Tyson amendment to the veterans' bill.

Mr. TYSON. Absolutely.

Mr. ROBINSON of Arkansas. If the Senate desires to do so, after we proceed to-morrow under the unanimous-consent agreement to the consideration of the veterans' loan bill, the Senator from Tennessee having been permitted to offer his amendment, if the Senate desires to do so it can then provide for cloture on the veterans' loan bill and force a vote on that bill and on the Tyson amendment.

I did not expect to have to enter into a debate on the subject at this time, but the Senator from Pennsylvania is attempting to escape responsibility for his action on Monday and at the same time deny the Senate its right to a procedure which has heretofore been ordered by the unanimous-consent agreement made this morning to take a vote on an amendment which the Senate has passed in identical language by an overwhelming vote in two previous sessions of Congress, and the vote heretofore taken upon which during this session of Congress indicates that if the Senator from Pennsylvania and other Senators in a very small number will permit the Senate to express its views on the subject, it will pass by an overwhelming majority.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Tennessee yield to me to reply to the Senator from Arkansas?

Mr. TYSON. I yield.

Mr. REED of Pennsylvania. I want to call attention to the fact that the request for the immediate consideration of this veterans' bill comes from the Senator from New York [Mr. COPELAND].

Mr. ROBINSON of Arkansas. But the suggestion of the Senator from Pennsylvania, who made the same request this morning before the unanimous consent was entered into by the Senate, was agreed to.

Mr. REED of Pennsylvania. I call the Senate's attention to the fact that, nevertheless, it was the Senator from New York who asked to bring this bill up now, to which the Senator from Arkansas objects, and I call the Senate's attention also to the fact that a bill for the relief of 3,000,000 veterans which the Senator from New York is trying to get up, is being held up by the insistence of one Senator who has a bill for the relief of 1,500 officers. The rights of 3,000,000 men are being sacrificed to-day in order that a pet scheme for 1,500 officers may be advanced.

Mr. TYSON. Mr. President, let me ask the Senator who it was on Monday night who insisted that that bill could not be passed, and threatened the Senator from New Mexico [Mr. BRATTON], saying to him that "that bill can not pass if you insist on putting that amendment on"?

Mr. REED of Pennsylvania. It was I who did it, and I did it because I thought his amendment favored a class that did not deserve it.

Mr. TYSON. Why has the Senator changed his mind now?

Mr. REED of Pennsylvania. If the Senator will yield to me to answer, I have changed my mind because I have come to realize that these 3,000,000 men are being sacrificed on a question that involves only a few hundred.

Mr. TYSON. The Senator will realize before long that 2,000 other officers of the emergency Army are also being sacrificed. More than 50 of them have died in the last 12 months, and 250 have died since this bill has been before Congress. The Senator can not escape the responsibility for refusing to permit this bill to pass the other night, and now he wishes to take advantage of his own error in not permitting it to pass.

Mr. REED of Pennsylvania. I leave the RECORD to answer that. I intend to continue to object to the bill of the Senator from Tennessee because it is an indefensible discrimination against the enlisted men.

Mr. TYSON. Others do not think so.

Mr. REED of Pennsylvania. Then why does not the Senator bring his bill up by itself?

Mr. TYSON. Because the Senator, with two or three others, has kept me from having an opportunity to get a vote upon it. If the Senator will give me a vote on it, that is all I want.

Mr. REED of Pennsylvania. If there is any merit in the Senator's bill he can get it to a vote, but he is trying to tie it to the coat tails of the bill which the Senator from New York wants to get up for the benefit of 3,000,000 men.

Mr. TYSON. And the Senator from Pennsylvania was not willing on Monday night to accept the amendment offered by the Senator from New Mexico, but now he is willing to accept it.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. TYSON. I yield.

Mr. COPELAND. Would it be proper to link these two pending requests for unanimous consent, changing the Robinson agreement to the extent of placing Senate bill 3027 where the House bill now is? In that way we would vote to-day, finishing the question of the loans to veterans, and to-morrow there would be one hour of discussion and a vote on the merits of the Tyson bill?

Mr. LENROOT. Mr. President, will the Senator yield at that point?

Mr. TYSON. I yield to the Senator from Wisconsin.

Mr. LENROOT. I would like to suggest to the Senator from Tennessee that if he would accept the suggestion of the Senator

from New York he would be in much better position in reference to his bill. The Senator from Tennessee may not be aware of the fact that the moment cloture is adopted, the rule of germaneness applies. No amendment, under the rule, can be received that is not germane, and under the unbroken line of precedents, after cloture is adopted, if that is what is to be done, the Senator's amendment would not be in order.

Mr. TYSON. I would like to ask the Senator from Wisconsin if he considers the amendment of the Senator from New Mexico as germane?

Mr. LENROOT. The rule of germaneness does not apply before cloture is adopted.

Mr. ROBINSON of Arkansas. Under the rules of the Senate the question as to whether or not an amendment is germane is submitted to the Senate, and the Senate, if it has the votes to pass the bill as amended, would probably hold the amendment to be germane.

I am not going to object to the request which is now made by the Senator from New York, provided the veterans' loan bill is passed. The Tyson bill will then be before the Senate for such action as the Senate may desire to take, and there would be an opportunity for the application of cloture if Senators desired to take advantage of it.

Mr. TYSON. Mr. President, I did not understand the suggestion of the Senator from New York in regard to the unanimous-consent agreement.

Mr. ROBINSON of Arkansas. I can state it to the Senator from Tennessee. I understood it. It is that the unanimous-consent agreement be modified so as to include in its terms the bill of the Senator from Tennessee relating to the retirement of emergency officers, and that the Senate now proceed without further debate or further amendment to vote on the veterans' loan bill as amended as in Committee of the Whole.

Mr. TYSON. That puts Senate bill 3027 in the present agreement for consideration.

Mr. COPELAND. To-morrow.

Mr. TYSON. At 3 o'clock.

Mr. ROBINSON of Arkansas. That is right.

Mr. BRUCE. Mr. President, I want to understand about that. I am opposed to the bill of the Senator from Tennessee.

Mr. ROBINSON of Arkansas. I trust the Senator from Maryland will not object to its being considered by the Senate for one hour. That is the effect of the agreement this afternoon.

Mr. BINGHAM. There was no agreement, may I say to the Senator from Maryland, that we should vote to-morrow, but, as I understand it—and the Senator from Tennessee and the Senator from New York will correct me if my understanding is not correct—the loan bill, with the amendment of the Senator from New Mexico as adopted the other night, is to be voted on now without further discussion and without further amendment. To-morrow at 3 o'clock, instead of the loan bill coming up for one hour's discussion, the emergency officers' retirement bill, the so-called Tyson bill, will come up for one hour's discussion.

Mr. COPELAND. The Senator has stated the proposal correctly.

Mr. ROBINSON of Arkansas. The agreement does not limit the consideration of the bill to discussion, but it is to be up for such consideration and action as the Senate shall desire to take.

Mr. BINGHAM. Certainly; but there is no agreement as to a vote.

Mr. BRUCE. I thank the Senator from Connecticut. I understand the situation now. I was out of the Chamber when the discussion started. I have no objection.

Mr. BRATTON. I am informed that the clerks at the desk failed to get the unanimous-consent agreement as modified by the Senator from Arkansas, and I suggest that he restate it.

Mr. ROBINSON of Arkansas. That the unanimous-consent agreement heretofore entered into this day relating to the consideration of the veterans' loan bill on to-morrow be modified so as to substitute in said agreement the bill, S. 3027, the retirement bill for disabled emergency officers, and that the Senate now proceed, without further debate or amendment, to vote upon the veterans' loan bill as amended in Committee of the Whole.

Mr. COPELAND. Mr. President, the Senator has stated it exactly as I desire to present it, and I trust that there will be no objection to it, and that we may proceed now to vote.

The VICE PRESIDENT. Is there objection?

Mr. EDGE. Mr. President, reserving the right to object—though I have no desire to object—I want to know how that will leave us to-night. We will be proceeding under Rule VIII to-night, and if the Senator from Tennessee, his bill being, as I recall, the fifth or sixth bill on the calendar, should move to take it up to-night, we would have another three hours of discussion on it. If we are going to give a definite hour to-mor-

row to that bill, it seems to me it should be understood that to-night we can go through the calendar without having the entire evening spent on that bill.

Mr. TYSON. I do not believe I would be willing to agree to this, because of the fact that I will get only one hour, and I am confident that the gentlemen who have been filibustering here for so long can talk more than an hour on this bill whenever they get ready.

Mr. COPELAND. Mr. President, if the Senator from Tennessee objects, I renew my original request for unanimous consent.

Mr. ROBINSON of Arkansas. Let me say to the Senator from New Jersey that the unanimous-consent agreement as proposed does not limit or restrict the arrangement already entered for consideration this evening, of bills already on the Calendar under Rule VIII, and that unless the unanimous-consent agreement is modified—and I do not intend to modify it in that particular—the Senator from Tennessee would have a chance to have consideration of his bill this evening if he choose to proceed in the way that is necessary to get the bill up.

Mr. EDGE. I merely draw attention to it because I think it is fair to have it understood that when we come back to-night, those who favor the bill of the Senator from Tennessee will defer bringing it up to-night, so that we can transact some other business.

Mr. TYSON. Would the Senate agree to give me three hours to-morrow, instead of one hour?

Mr. REED of Pennsylvania. Surely, it is not necessary to do that.

Mr. ROBINSON of Arkansas. Mr. President, frankly, if cloture is not to be applied on the bill of the Senator from Tennessee, three hours debate would accomplish no more than one hour of debate, because I see before me, Senators whose loquacity, verbosity, and eloquence would, I am sure, consume more than three hours, in view of their well-known attitude respecting the bill. I do not object to an extension of the time, but it seems to me that it would be a useless consumption of time.

Mr. MOSES. It would be a mere moot debate, if there were no agreement for a vote.

Mr. LA FOLLETTE. I rise to a point of order.

The VICE PRESIDENT. The Senator will state his point of order.

Mr. LA FOLLETTE. I make the point of order that there is confusion in the Senate and it is impossible to understand what is going on in the Chamber.

The VICE PRESIDENT. The Senate will be in order.

Mr. TYSON. I accept the unanimous-consent agreement as modified by the Senator from Arkansas and the Senator from New York.

The VICE PRESIDENT. Is there objection?

Mr. REED of Pennsylvania. As representing the opposite side of the controversy, I hope that the agreement will be entered into, and I join in the expression of a hope to that effect by the Senator from Tennessee. I do not think it is necessary to ask him to waive any rights to-night, but I firmly believe that if he knows his bill is coming up to-morrow, he will not expect to occupy all of this evening's session. We can leave that to his good sense when we reach the bill on the Calendar.

Mr. BRUCE. Mr. President, I simply desire to say, so that there will be no misunderstanding about this matter, that some of the rest of us are interested in bills which may come up on the Calendar to-night. Some of us did not get an hour's sleep last night, but are so much interested in the bills on the Calendar that we are ready to drag our weary frames here to try to get an opportunity to have them brought up to-night. The Senator from Tennessee has made two presentations of his ideas with regard to his bill, one of which was pronounced by the Senator from New York to be an uncommonly able presentation, and it was. So I venture to say that he has consumed at least two or three hours already in the discussion of his bill, and the Senator from New York and the Senator from Pennsylvania have presented their ideas very fully. It does seem to me that if the Senator is allowed an hour to-morrow to present his views for the third time, that ought to suffice, and that he should not take up so much time to-night when we are going over the Calendar as to interfere with other measures on the Calendar.

Mr. COPELAND. I renew my request for unanimous consent that we proceed at once to the consideration of the veterans' loan bill, with the amendment, and that on Thursday at 3 o'clock the unfinished business, if any, be temporarily laid aside and the Senate proceed to the consideration of Senate bill 3027, the so-called Tyson bill, for one hour unless that bill shall be sooner disposed of.

SEVERAL SENATORS. Regular order!

The VICE PRESIDENT. Is there objection?

Mr. MOSES. We can not take that bill up for one hour only.

Mr. SWANSON. Mr. President, I serve notice that there is no use taking the whole afternoon trying to reach an agreement which is never submitted. There is no use talking here of a unanimous-consent agreement which no one understands.

Mr. BRUCE. So far as I am concerned, the Senator from Tennessee is put on his election. He can either move to have his bill taken up to-night or he can accept the suggestion which has been tacked on to the unanimous-consent agreement.

The VICE PRESIDENT. Is there objection to the unanimous-consent agreement?

Mr. BRUCE. I object.

The VICE PRESIDENT. The Chair hears no objection, and it is so ordered.

Mr. BRUCE. Mr. President, I certainly objected. Senators sitting near me will bear me out. I objected to the unanimous-consent agreement.

The VICE PRESIDENT. The Chair did not hear the Senator.

Mr. HARRISON. The Senator from Maryland did object.

Mr. HEFLIN. Mr. President, I make the point of order that the Chair asked, "Is there objection?" The Chair then said, "The Chair hears none, and it is so ordered." Let the reporter's notes be read and see if they do not show that to be the fact.

Mr. HARRISON. Mr. President, what the Senator from Alabama said is true. I immediately called the attention of the Senator from Maryland to the fact that his objection had not been heard by the presiding officer.

The VICE PRESIDENT. The Chair did not hear the objection of the Senator from Maryland.

Mr. HARRISON. I am sure the Chair did not hear it, but the Senator from Maryland did make the objection.

Mr. HEFLIN. I heard what the Senator from Maryland said.

Mr. BRUCE. Mr. President, I withdraw the objection.

The VICE PRESIDENT. The objection is withdrawn.

SEVERAL SENATORS. Vote! Vote!

The VICE PRESIDENT. House bill 16886, the veterans' loan bill, is in the Senate. The question is, shall the amendments made as in Committee of the Whole be engrossed and the bill be read a third time?

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The VICE PRESIDENT. The question is, shall the bill pass?

Mr. NEELY and Mr. REED of Pennsylvania. Let us have the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. DU PONT]. I am advised that he would vote as I shall vote. I therefore vote; I vote "yea."

Mr. REED of Pennsylvania (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. BAYARD]. I know that he would vote as I intend to vote. Therefore I vote; I vote "yea."

The roll call was concluded.

Mr. BINGHAM. I desire to state that my colleague, the senior Senator from Connecticut [Mr. McLEAN] is unavoidably absent. If present, he would vote "yea."

Mr. McMASTER. The senior Senator from South Dakota [Mr. NORBECK] if present, would vote "yea."

Mr. BRATTON. My colleague the senior Senator from New Mexico [Mr. JONES] is absent on account of illness. If present, he would vote "yea."

I also desire to announce that the Senator from Rhode Island [Mr. GERRY] and the Senator from Alabama [Mr. UNDERWOOD] are necessarily absent. If present, these Senators would vote "yea."

Mr. PITTMAN. My colleague the junior Senator from Nevada [Mr. ODDIE] is absent on account of illness. If present, he would vote "yea."

Mr. JONES of Washington. I desire to announce that the Senator from Colorado [Mr. MEANS], the Senator from Massachusetts [Mr. GILLET], the Senator from Utah [Mr. SMOOT], the Senator from Vermont [Mr. DALE], the Senator from Oregon [Mr. STANFIELD], the Senator from Maryland [Mr. WELLER], the Senator from Vermont [Mr. GREENE], the Senator from Maine [Mr. GOULD], the Senator from Pennsylvania [Mr. PEPPER], and the Senator from New York [Mr. WADSWORTH] are necessarily absent. If present, all these Senators would vote "yea."

The result was announced—yeas 75, as follows:

YEAS—75

Ashurst	Fess	McKellar	Schall
Bingham	Fletcher	McMaster	Sheppard
Blaine	Frazier	McNary	Shipstead
Borah	George	Mayfield	Shortridge
Bratton	Glass	Metcalf	Simmons
Broussard	Goff	Moses	Smith
Bruce	Gooding	Neely	Steck
Cameron	Hale	Norris	Stephens
Capper	Harris	Nye	Stewart
Caraway	Harrison	Overman	Swanson
Copeland	Hawes	Phipps	Trammell
Couzens	Heflin	Pine	Tyson
Curtis	Howell	Pittman	Walsh, Mass.
Denen	Johnson	Ransdell	Walsh, Mont.
Dill	Jones, Wash.	Reed, Mo.	Warren
Edge	Kendrick	Reed, Pa.	Watson
Edwards	Keyes	Robinson, Ark.	Wheeler
Ernst	La Follette	Robinson, Ind.	Willis
Ferris	Lenroot	Sackett	

NOT VOTING—20

Bayard	Gould	McLean	Smoot
Dale	Greene	Means	Stanfield
du Pont	Harrell	Norbeck	Underwood
Gerry	Jones, N. Mex.	Oddie	Wadsworth
Gillett	King	Pepper	Weller

So the bill was passed

Mr. REED of Pennsylvania. Mr. President, I move that the Senate insist upon its amendments, ask a conference with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed as conferees on the part of the Senate Mr. SMOOT, Mr. REED of Pennsylvania, and Mr. SIMMONS.

Mr. COPELAND. Mr. President, I had intended to go on at greater length, but since this matter has gone on so happily I leave the matter where it is.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. COPELAND. Certainly.

Mr. ASHURST. I congratulate the Senate upon passing this bill. I was this afternoon the victim of a terrific flailing. The Senator from New York rose at 3 o'clock and charged me with attempting to pass this veterans' bill which has just been passed by the Senate, and for which the Senate has unanimously voted. The Senator's conscience hurt him so much because he voted against the bill on that vote that in order to extricate himself from the position in which his vote had plunged him, responding to the monitor within his breast, he came forward and manfully assisted in passing the bill.

Mr. COPELAND. I think, in view of the very happy ending, that we need not split hairs. If I hurt the feelings of the Senator from Arizona I am very sorry.

But, of course, there is a great difference between attempting to substitute a bill for the sole purpose of blocking legislation, as the Senator did, and passing a bill without setting aside the pending business. I am sure serious contemplation will cause him to see the difference.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that, under the unanimous-consent agreement previously entered into, the Senate take a recess until 8 o'clock this evening.

The motion was agreed to; and (at 5 o'clock and 23 minutes p. m.) the Senate took a recess until 8 o'clock p. m.

EVENING SESSION

The Senate reassembled at 8 o'clock p. m., on the expiration of the recess.

THE CALENDAR

The VICE PRESIDENT. The Senate will proceed with the calendar under Rule VIII.

The bill (S. 2607) for the purpose of more effectively meeting the obligations of the existing migratory-bird treaty with Great Britain by the establishment of migratory-bird refuges to furnish in perpetuity homes for migratory birds, the provision of funds for establishing such areas, and the furnishing of adequate protection of migratory birds, for the establishment of public shooting grounds to preserve the American system of free shooting, and for other purposes, was announced as first in order.

Mr. BRUCE. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2808) to amend section 24 of the interstate commerce act, as amended, was announced as next in order.

Mr. WILLIS. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

TRUTH IN FABRICS

The bill (S. 1618) to prevent deceit and unfair prices that result from the unrevealed presence of substitutes for virgin wool in woven or knitted fabrics purporting to contain wool and in garments or articles of apparel made therefrom, manufactured in any Territory of the United States or the District of Columbia, or transported or intended to be transported in interstate or foreign commerce, and providing penalties for the violation of the provisions of this act, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over!

Mr. CAPPER. Mr. President, the bill, known as the truth in fabrics bill, is supported by all the farm organizations and many of the consumers' associations throughout the country. I had intended to ask that it be brought before the Senate this evening for consideration and a vote. The senior Senator from Utah [Mr. SMOOT], who has given the proposed legislation a great deal of study, has been awaiting an opportunity to discuss it, as he stated on the floor a week or two ago. He specially requested me not to permit the bill to come before the Senate unless he could be present and have an opportunity to discuss it. He has a number of important amendments which he intends to offer.

The Senator from Utah is unavoidably detained on account of the serious illness of a member of his family; in deference to his request, therefore, I shall not press the bill for consideration this evening. I shall endeavor, however, to have it come to a vote in the Senate in the near future.

The VICE PRESIDENT. The bill will be passed over.

PROTECTION OF WATERSHEDS AND REFORESTATION

The bill (S. 718) authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended, was announced as next in order.

Mr. OVERMAN. Mr. President, I do not want to stand in the way of the Senator from Oregon [Mr. McNARY] bringing up the bill. I showed him an amendment which I desire to offer to it. If he will accept it, I have no objection to the passage of the bill.

Mr. McNARY. I regret exceedingly to say that I could not accept the Senator's amendment. I have given it my best thought and study during the afternoon. I think the bill itself embodies all the features which are set forth in the Senator's amendment.

Mr. OVERMAN. I think the Senator is right about that; but it has been construed differently and the commission is now acting differently. The commission is buying lands everywhere in the United States, not for the protection of watersheds but buying other lands. It will take some time if we get into a discussion of the measure. The bill appropriates \$40,000,000 and I do not think it ought to pass without some discussion. If the Senator wants to take it up and discuss it, I have no objection to doing that.

Mr. McNARY. I am very earnestly anxious that the bill shall come up for consideration. It applies to the Great Lakes States, the Southern States, and the New England States, and not at all to the Western States, from one of which I come. I can not accept the Senator's amendment. If the Senator is not willing to have the bill come up by unanimous consent, I shall move that the Senate proceed to its consideration.

Mr. OVERMAN. The Senator knows that he construes the bill as I do in most respects. I ask him if he will not accept my amendment, which is for the purpose of protecting the headwaters of navigable streams. Why not put that language in the bill? That is all my amendment provides.

Mr. McNARY. I have a very appreciative knowledge of the Senator's legal acumen; but his amendment, I think, is covered by what is called the Clarke-McNary Act, which covers the whole question of reforestation, and I do not believe it enlarges it at all or restrict it.

Mr. OVERMAN. If the Senator believes that, why not put my amendment in his bill?

Mr. McNARY. Because I fear that some court not having general jurisdiction might hamper the work of the commission.

Mr. OVERMAN. The Senator knows that this measure was brought up some 14 years ago and was declared by a unanimous

report of the Committee on the Judiciary to be unconstitutional, and they reported that such a bill should not be passed. However, I do not want to stand in the way of the Senator. I know that he is anxious to get the bill through. I know he is a very able Senator. It is only proper that an appropriation should be made for the purchase of lands for the protection of the headwaters of navigable streams.

Mr. McNARY. That is true.

Mr. BRUCE. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator from Maryland will state the point of order.

Mr. BRUCE. Consideration of the bill has been objected to. Of course, the Senator from Oregon can now move that the Senate proceed to its consideration.

Mr. McNARY. I appreciate the suggestion of the Senator from Maryland. I shall, in deference to him, if he thinks proper at this particular moment, move that the Senate proceed to the consideration of Senate bill 718.

Mr. BRUCE. That is what I supposed the Senator would do.

Mr. OVERMAN. The Senator knows that the bill authorizes an appropriation of \$40,000,000 to buy land. I know the people in my State who are not really acquainted with the bill have been telegraphing me to vote for it. I hope the Senator can see his way clear to accept the amendment and let it go through.

Mr. McNARY. I want to be quite in order and follow the rules of the Senate. I feel that the Senator from Maryland has suggested the proper procedure and accordingly I move that the Senate proceed to the consideration of the bill. Then I shall discuss it very briefly, and I think effectively, from the point of view I entertain respecting the position of the Senator from North Carolina.

The VICE PRESIDENT. The motion is not debatable. The question is on the motion of the Senator from Oregon.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 718) authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended.

Mr. McNARY. I ask that the bill may be read.

The VICE PRESIDENT. The clerk will read the bill.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any moneys in the United States Treasury not otherwise appropriated, to be expended under the provisions of section 7 of the act of March 1, 1911 (36 Stat. L., p. 961), as amended by the acts of March 4, 1913 (37 Stat. L., p. 828, June 30, 1914 (38 Stat. L., p. 441), and the act of June 7, 1924 (Public, 270), \$3,000,000 available July 1, 1926; \$3,000,000 available July 1, 1927; \$3,000,000 available July 1, 1928; \$3,000,000 available July 1, 1929; \$3,000,000 available July 1, 1930; \$5,000,000 available July 1, 1931; \$5,000,000 available July 1, 1932; \$5,000,000 available July 1, 1933; \$5,000,000 available July 1, 1934; \$5,000,000 available July 1, 1935; in all for this period, \$40,000,000, to be available until expended.

Mr. BORAH. Mr. President, is the Senator going to explain the bill?

Mr. McNARY. I should like to have an opportunity to proceed very briefly.

Mr. BORAH. I was going to ask a question, but I will withhold it until the Senator gets through with his statement.

Mr. CURTIS. Mr. President, may we not at this time have the amendment reported so that we may consider the bill and the amendment together?

Mr. McNARY. I shall be very happy to accede to the request of the Senator from Kansas.

The VICE PRESIDENT. The amendment is not on the desk of the clerk. Will the Senator please state it?

Mr. OVERMAN. My amendment proposes to include at the proper place in the bill the following proviso:

Provided, That no lands shall be purchased except those lands which are necessary for the protection of the headwaters of navigable streams.

Mr. McNARY. Mr. President, I shall first address myself very briefly to the general purpose of the bill. The purpose of the bill is simply to acquire large areas of forested, denuded, and cut-over lands in areas comprising the watershed of navigable streams in the Great Lakes States, the States of the South, and the States of New England, for the purpose of conserving the water supply and navigation under the section of the Constitution which is familiar to all of us.

Some years ago the National Forest Reserve Commission was created by this body, in cooperation with the House, and during

the past 11 years they have acquired about 3,000,000 acres of land in the three districts or sections of the country to which I have referred. They have acquired during that period approximately 3,000,000 acres at an average cost of \$4.93 per acre. This does not apply to the West or any of the section of the country west of the Mississippi River.

The thought of those who have framed the bill and placed it in my charge is to increase the national forests in the East in order that we may conserve the forests on the watersheds of navigable streams, and promote reforestation in the denuded areas in order that we might conserve the waters which flow in the navigable streams of the country.

The bill, as indicated by its reading, forms a national policy, appropriating \$3,000,000 annually over a period of five years, making \$15,000,000, and \$5,000,000 annually over a period of five years, amounting to \$25,000,000, making a total of \$40,000,000. The thought and hope of those who are interested in conservation is that we may have better and purer water for the States; that we may in some degree take care of our annual rainfall; that we may conserve the forests and rebuild and replace them.

The East, as we all know, including, as I said, in that term a differentiation from the far West, and referring to the Great Lakes States, the Southern States, and the New England States, whose forests have been cut over, whose towns have been ill supplied with water, is in contemplation in order that we may have growing forests to take the place of the primeval forests upon a large and general plan. Hence I have offered the bill to cover a series of forests and the rebuilding of them.

The bill passed the House some months ago, but on account of the attitude of the Director of the Budget the sum was somewhat reduced. I am now proposing the larger sum, namely, \$40,000,000, with hope and confidence that when it comes down to the question of the conference the Senate conferees will be successful in maintaining the amount of money provided for in the bill irrespective of the attitude of the House.

Mr. WARREN. Mr. President—

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Wyoming?

Mr. McNARY. I yield.

Mr. WARREN. Has the Senator submitted the bill to the Secretary of the Interior or the Chief Forester?

Mr. McNARY. The Department of Agriculture, speaking through the Bureau of Forestry, has reported on the bill favorably; but in all candor, as I said, the Bureau of the Budget has reduced the amount from \$3,000,000 annually to \$1,000,000 annually.

Mr. WARREN. What about the term of 10 or 15 years through which the appropriation is to continue?

Mr. McNARY. The program has not been reduced at all.

Mr. WARREN. Does the Senator think that the way to approach the subject is to undertake to provide a program covering such a long period of time?

Mr. McNARY. The bill provides for a 10-year program.

Mr. WARREN. I am only too anxious to aid in forestry and in what the Senator desires, except that I can not vote for any measure which deliberately ties us up for a specified sum per year for a long period of years. We can not tell what may be our circumstances or the amount of money we may be able to appropriate in the years to come. This is merely an expression of my personal opinion.

Mr. McNARY. If I may recall it to the mind of the able Senator from Wyoming, in nearly every appropriation bill there has been a commitment from either the Director of the Budget or Congress regarding the appropriation of money.

Mr. WARREN. Each year.

Mr. McNARY. And this is not a singular situation.

Mr. WARREN. Yes, it is; because these amounts are authorized for 10 years in advance, and the sums named are required to be appropriated annually.

Mr. McNARY. I quite agree with the Senator from Wyoming. I know that some of the matters appertaining to the Department of Agriculture were matters in which there have been commitments for periods of 5 or 10 years. I do not know about some of the other departments, but in this situation it is necessary to lay out a program in order to accomplish the big thing desired to be accomplished, namely, to preserve the watersheds of the navigable streams.

Mr. WARREN. Very well; I shall not detain the Senator further.

Mr. McNARY. If we are going to act upon a penny-wise plan by buying a few acres this year and none next year, we will find that the lands to-day which are susceptible of purchase by the Government and capable of retaining the moisture of the country will fall into private ownership in the next few years and be subject to decrees of condemnation. It is neces-

sary, if we are going into a large field to conserve our supplies of water for navigable streams, to enter into a program which extends over a period of years.

Hence, it is necessary, in my humble judgment, to prepare a plan that will comprehend at least a 10-year program.

Mr. McKELLAR. Before the Senator concludes, will he state why he is unwilling to accept the amendment offered by the Senator from North Carolina [Mr. OVERMAN]?

Mr. McNARY. It is my judgment, and the judgment of those who are better advised than I am, that that amendment, if adopted, perhaps, would restrict the operation of the National Forest Reservation Commission to forested areas. The Senator knows, he must know, that much of the land to-day is logged over and cut over. What is known as the reforestation bill, which is frequently referred to as the Clark-McNary bill, in section 6 provides that not only forested areas but cut-over and denuded lands shall be purchased. What we want to do is to build up those denuded lands, comprising watersheds, in order that they may conserve the water and add to the navigability of the streams of the watersheds. Hence, I think, the amendment of the Senator from North Carolina might limit the operation of the commission to purchasing forested areas, which would not meet the situation, in the great New England States, in States of the South, and a number of States along the Great Lakes; and if we are attempting to build up a national plan why should we look to the virgin forests that are nearly all destroyed? We should go out and try to preserve and build up areas that have been denuded and cut over. Now, I yield to the Senator from Idaho.

Mr. BORAH. I think the purpose of the bill is a very excellent one, but the only thing I was interested in was as to how much latitude and discretion is given to the commission in making purchases.

Mr. McNARY. Mr. President, the limitation is only upon the amount of money they may expend. We know that the future has always been judged by the past. I said a moment ago that the 3,000,000 acres which have heretofore been purchased by the commission have only cost the Government approximately \$4.95 an acre.

Mr. BORAH. As I understand the amendment of the Senator from North Carolina, the Senator desires to confine the purchase to the protection of watersheds. Do I understand that the Senator from Oregon desires that they shall be privileged to go beyond that?

Mr. McNARY. Not at all.

Mr. OVERMAN. Mr. President, if the Senator will yield to me, I desire to say that I am on the commission with the Senator from New Hampshire [Mr. KEYES] which bought \$50,000 worth of land in Michigan, which they said was not purchased for the purpose of preserving the headwaters of navigable streams. We had a meeting three weeks ago, at which I protested that lands were being acquired which were not for the purpose of protecting the headwaters of navigable streams. I made the stenographer take my statement down and Senators will find it in the record. Are we going to buy land all over the country without regard to the protection of the watersheds of navigable streams?

Mr. McNARY. Mr. President, I appreciate the concern of the Senator from North Carolina and I have read his notes with very much interest and some edification.

I think the Senator is not quite accurate in his statement—not purposely so, however. It is a physical impossibility to buy either cut-over or forested land that do not somewhere contribute to the navigability of a stream, because every stream has a watershed. Section 6 of the act to which I have referred enlarges the Weeks Act because it uses the words "cut-over or denuded lands" rather than "forested areas." I am conscious of the fact that if the money is appropriated it would be without the jurisdiction of the commission to purchase land that is not adapted to protect navigation interests.

Mr. CARAWAY. Mr. President, may I ask the Senator from Oregon a question?

Mr. McNARY. I am glad to yield to the Senator.

Mr. CARAWAY. The Senator may have discussed the matter about which I desire to ask him a question while I was called out of the Chamber; but if the Senator from Oregon and the Senator from North Carolina agree that the Constitution restricts the purchase of lands to those at the headwaters of navigable streams, what objection would there be to incorporating such a provision in the proposed act so that the commission would be compelled to confine purchases to lands the conservation of which would protect the navigability of rivers?

Mr. McNARY. There was a particular provision of that character, I will say to the Senator from Arkansas, in section 6 of the original Weeks Act, but section 6 of the act of June 7, 1924, enlarges the Weeks Act because it looks to the pur-

chase not only of forested areas but also of denuded and cut-over lands. Under the Weeks Act all purchases were to be made of forested areas—standing timber—but much of the land which once was forested is now cut over and denuded, and the subsequent act allows the purchase of such land for the purpose of reforestation.

Mr. CARAWAY. If the Senator will pardon me, the amendment of the Senator from North Carolina would not restrict the purchase of cut-over lands; it would only confine the areas in which they were bought, not the character of the land.

Mr. McNARY. That is true; but the difficulty that I and those who are interested in the bill find in the matter is that it indicates that there is a doubt in the mind of Congress whether we can go beyond the Weeks Act, which we tried to enlarge in the other forestation act, which in section 6 provides for the acquisition of "forested cut-over or denuded lands within the watersheds of navigable streams." Is not that a satisfactory answer to the argument of the Senator from North Carolina?

Mr. CARAWAY. If the Senator will pardon me—and then I shall not interrupt him again—it appears to me that the very hesitancy that is displayed here in accepting an amendment of that kind would seem to indicate that the commission was invited to go out and purchase lands that would not naturally fall within the restriction.

Mr. McNARY. Not at all, because section 6 does not admit of that discretion. It attempts the enlargement of the Weeks Act, which limited purchases to forested areas. As one speaking for the interest of the South and the East and the New England States and the Great Lakes States, I fear that the amendment might be construed as a limitation upon the authority of the National Forest Reservation Commission.

Mr. CARAWAY. I am frank to say that I do not follow the Senator.

Mr. McNARY. I can not conceive of any reason for attempting to limit the authority granted in the conservation act. Without attempting further to discuss the matter, I will say that all of those interested in forestation, all of the organizations, have appealed to Congress to support the bill that has been heretofore offered so as to establish a national plan whose purpose is simply to establish in the Great Lakes section, in the South, and in the East the policy which has been carried on there in the West from the time statehood was granted. I speak most unselfishly and disinterestedly for those who are interested in this legislation.

Mr. OVERMAN. Mr. President, we have heard for years protests being made by western Senators against the Government owning so much land in their States; they want the Government to give it back to them so that it may not be removed from the taxing power of the States; but here is a proposition to extend the same system to the Southern and Eastern States, to acquire great bodies of land and take them out of taxation and put them under control of the Government.

This is not the first time this question has been up here. We appropriated two weeks ago \$1,000,000 to buy lands, and we have been appropriating every year for a number of years from \$1,000,000 to \$3,000,000 with which to buy land to protect the watersheds of navigable streams. The Government owns millions of acres of land in Arkansas, Georgia, South Carolina, Pennsylvania, and the Appalachian Range, and we are buying more land. The Government owns 378,000 acres in my State.

When the term of former Senator Shields, of Tennessee, expired I was asked to go on the Forest Reservation Commission. I went on the commission. I found when I attended a meeting of the commission that they were buying lands away from navigable streams, old pine lands, cut-over land, and I said, "Gentlemen, you have no constitutional power to do that; we are acting under the Weeks law." That law was a compromise.

About 15 years ago, not knowing as much about the Constitution as I now know, I introduced a bill to buy lands for this purpose. The bill passed the Senate and went to the House. That was in 1914, and I have the RECORD here which sets forth that the House referred the bill to the Judiciary Committee to ascertain whether or not the bill was constitutional. Without a single exception the 17 great lawyers of the House of Representatives, then constituting the Judiciary Committee of that body, submitted a report in which they said that the bill was unconstitutional. Senator Weeks and myself and a few others got together and asked if the power to purchase were limited to land protecting the watersheds of navigable streams, would not that be constitutional? That question was taken under advisement, and we were informed that under the clause of the Constitution providing that the Government should have control of navigable streams, Congress had the power to keep the silt from going in and also had the power to provide for keeping the silt out. In accordance with that

idea, we frequently make appropriations to clean out rivers. In the Appalachian region, where there are few lakes, the waters are held by the rootlets of trees and when the spring rains fall they wash over the land and carry the silt down to the rivers. So we came to the conclusion that there ought to be some way by which the Government could acquire the lands at the headwaters of the streams. President Roosevelt sent a strong message to Congress asking that that be done.

Mr. President, I will ask the clerk to read the conclusion of the unanimous report of the Committee on the Judiciary of the House, which was one of the ablest committees that ever sat in the House of Representatives. Judge Jenkins was chairman and Wayne Parker and other Representatives of similar high ability were on the committee. I will not ask the clerk to read the whole report; it would take almost all night to read it, but to read the resolution of the committee showing its conclusion.

The VICE PRESIDENT. Without objection, the clerk will read as requested.

The Chief Clerk read as follows:

[From the CONGRESSIONAL RECORD, Senate, of May 18, 1908, page 6395]

Resolved, That the committee is of the opinion that the Federal Government has no power to acquire lands within a State solely for forest reserves; but under its constitutional power over navigation the Federal Government may appropriate for the purchase of lands and forest reserves in a State, provided it is made clearly to appear that such lands and forest reserves have a direct and substantial connection with the conservation and improvement of the navigability of a river actually navigable in whole or in part, and that any appropriation made therefor is limited to that purpose.

Resolved, That the bills referred to in the resolutions of the House (H. R. 10456 and H. R. 10457) are not confined to such last-mentioned purpose and are therefore unconstitutional.

Mr. OVERMAN. Mr. President, the committee were not unanimous in the opinion that we might buy the land for that purpose, but a majority of them were. Senator Weeks and I prepared a bill providing for the purchase of land at the headwaters of navigable streams for the purpose of protecting the watersheds of navigable streams. That bill passed, and under it we have been appropriating, as I have said, from one to three million dollars every year to purchase such lands. Then came along another measure, the Clarke-McNary Act, affecting the subject.

When it passed I thought it had the same object as the original act. The Senator from Florida [Mr. FLETCHER] told me he thought it had and I understood the Senator from Oregon [Mr. McNARY] to say the same thing. I was astonished, however, when I went before the commission, of which I am a member, to find that they were buying pine land from a university in one State that could not avail for the protection of the watershed of a navigable stream. It looked as if land was going to be purchased here and there and everywhere without regard to the Weeks law. I called their attention to it, and I protested against it. Several members voted with me, but a majority overruled me, and the chairman said, "Well, I have some doubt about this, so I will recommend that the commission refer it to the Attorney General to see what he says about it." What do you suppose, Mr. President, the Attorney General said? He wrote back, "Follow the law." They had asked him for an opinion on this subject and his opinion was, "Follow the law."

Mr. KING. Was that Attorney General Sargent?

Mr. OVERMAN. Yes.

Mr. CARAWAY. I am glad that he recognized that there was such a law.

Mr. OVERMAN. Since that time, after I returned to Washington I attended another meeting at which a report was presented in which it was shown they were buying lands here and there. I asked the very question, "Are you buying this land for the purpose of protecting the watersheds of navigable streams?" and the reply was, "No."

Mr. McNARY rose.

Mr. OVERMAN. Does the Senator wish to ask me a question?

Mr. McNARY. Mr. President, I agree with the Senator in the proposition, of course, that we can not go out—and the bill does not contemplate such a course—and buy up forests as such. The power is limited both in the Weeks Act and the reforestation act and this bill to the conservation of watersheds of navigable streams.

Mr. OVERMAN. That is what the Weeks bill was for.

Mr. McNARY. Why, certainly.

Mr. OVERMAN. That is what we ought to do, and I am as strong for it as my friend the Senator from Oregon; but when

they go out here and there and buy land everywhere, old fields here and old fields there, I think they are going too far.

Mr. McNARY. Mr. President, there is no intention whatsoever to do that. If the Senator will permit me to refresh his memory by speaking of the last act which was the product of the reforestation committee, section 6—

Mr. OVERMAN. I know what the act says. I know how they construe it.

Mr. McNARY. All the members of the National Commission on Conservation, all of those who are interested in reforestation through the country, the great organizations, have construed it as it has been construed, happily, by myself; and the Senator from North Carolina has been alone in his own construction.

Mr. OVERMAN. I do not understand why the Forest Reservation Commission is buying these lands contrary to what, I think, is the law and what the Senator thinks is the law. I shall be satisfied if you will put on my amendment, which limits them to buying forested lands and cut-over lands. They are buying cut-over lands in my State now to protect the headwaters of navigable streams. It is the headwaters of navigable streams that they are trying to protect. What I am protesting against is buying land that does not protect the headwaters of navigable streams, unless the Senator contends that land a thousand miles away from the Mississippi River is required for the protection of a navigable stream.

Mr. McNARY. Mr. President, anyone who has ever been in a forest knows that all the forests are found in the watersheds. Every forest in this country, every tree that grows in this country, is in some way connected with the watershed of a navigable stream.

Mr. OVERMAN. Mr. President, that reminds me of what is going on in another field. The other day there was a great development made in my State, and they were going to flood three acres that belonged to the Government. The power company offered them 100 acres for 3 acres, and they decided that they could not make the exchange, because it was the headwaters of Wilsons Creek, and Wilsons Creek was the headwaters of another creek, and another creek was the headwaters of another river, and another river was navigable. The Senator from Georgia [Mr. GEORGE] knows about it. He and I have both been up there trying to settle that question, and that is what they hold.

Mr. McNARY. Does not the Senator realize that all of those tributary streams give their waters to some navigable stream?

Mr. OVERMAN. If they run a thousand miles, perhaps. In my State there are two springs. One is the headwaters of the Great Kanawha, and the other is the headwaters of the Peedee; and they are within a hundred yards of each other. That might be said to be the headwaters of a navigable stream, because the water ran into the Peedee and ran into the Great Kanawha.

Mr. McNARY. Of course, Mr. President.

Mr. OVERMAN. Then, that takes in all the land of the United States, and you can buy a thousand acres in North Carolina; and if you can buy a thousand acres you can buy a hundred thousand, and you can buy 200,000, and take it out of taxation, and destroy my State.

Mr. CARAWAY. Mr. President, may I ask the Senator from Oregon a question? If the Senator is correct in his holding that every tree is on the headwaters of a navigable stream, what was the object of putting in the Weeks bill a provision that they could buy only timbered lands, only to protect the headwaters of navigable streams? If they are all on the headwaters of navigable streams it would seem to be perfectly useless language.

Mr. McNARY. It may have been; but that was the idea of the author of the bill, who wanted to use the language thereof.

Mr. CARAWAY. What did they put it in there for?

Mr. McNARY. Mr. President, every one knows, whether he is from Arkansas or elsewhere, that under the Constitution no bill of this kind can stand the test of the courts unless it is connected with navigability, which is also connected with the headwaters of a stream and the watershed.

Mr. CARAWAY. But I thought the Senator said there was not a tree that grew that was not growing on the watershed of a navigable stream. Therefore, since all of them are, what is the use of saying that only those that are within the watersheds of navigable streams shall be purchased?

Mr. McNARY. Mr. President, we have to say some things in bills for those who construe the laws, but some of us know what they mean. That might apply very well to the Senator from Arkansas.

Mr. CARAWAY. I am frank to say that with the Senator's language and his explanation, I do not know. The law says the land can not be purchased unless it is on the watershed of a navigable stream, and the Senator says that all trees are on the watersheds of navigable streams. That may be a tremendously forceful argument, but the Senators must furnish the information, I presume, because I never heard of such a thing before. I presume that if he were to die, all wisdom would die with him.

Mr. McNARY. Mr. President, anyone who has thought seriously on this subject and is not a known jester—

Mr. CARAWAY. If the Senator thinks I am jesting about it, the Senator does not know what he is talking about. The Senator can make his statement in his own time or in any way he wants to, but I hope he will make his arguments without making offensive references to me.

Mr. McNARY. Mr. President, I have no desire to refer to the Senator from Arkansas at all, because we are now considering a serious matter.

Mr. CARAWAY. That is what I thought until the Senator made a joke about it by saying that all trees were on the watersheds of navigable streams.

Mr. OVERMAN. Mr. President, will the Senator tell me why he will not accept my amendment? If the Senator says that is what the law means, why not accept it?

Mr. McNARY. I will tell the Senator why I can not accept it. In the Weeks Act the attempt was made—

Mr. CARAWAY. I wonder how that "Weeks" is spelled.

Mr. McNARY. I have no doubt about that. In the Weeks Act it was attempted to limit the operations of this commission to the purchase of forested areas.

Mr. OVERMAN. The Senator knows that it is not limited to that, because they are buying cut-over land everywhere. They bought the Vanderbilt lands.

Mr. McNARY. That may have been a question of execution. Under the act, which was known as the reforestation act, there was an attempt by the Government to acquire denuded and cut-over lands. The objection I have to the Senator's proposition is that it might restrict the commission to purchasing land that was not forested area. I am anxious, Mr. President, to get property within the watershed which section 6 of the reforestation act—

Mr. OVERMAN. How far would the Senator go?

Mr. McNARY. I will not yield for a minute.

Mr. OVERMAN. I have the floor.

Mr. CARAWAY. No; the Senator lost it by the Weeks Act.

Mr. McNARY. Very well; if the Senator does not want me to explain, I will do so in my own time.

Mr. OVERMAN. I do not want to be discourteous at all. I want the Senator to say what he was going to say. I was asking why he would not accept my amendment.

Mr. McNARY. I was trying to distinguish between the Weeks Act and the reforestation act, all of which appertains to the South and the Great Lakes States and the New England States. It was thought by those who administered the act that they were restricted to forested areas. Section 6 of the reforestation act plainly provides that it applies not only to forested areas but to cut-over areas and denuded areas, all within the watersheds of navigable streams.

Mr. OVERMAN. How far would the Senator extend the watersheds—how many miles away?

Mr. McNARY. Mr. President, any one knows that a watershed is that part of the topography of the country that sends water from springs and streams and rainfall and melting snow to add to the water that is carried down into the navigable parts of the stream.

Mr. OVERMAN. That takes in the whole thing, then.

Mr. McNARY. Why, certainly. As I said a moment ago, there is no tree that grows in all the country—

Mr. OVERMAN. It takes in the whole United States.

Mr. WALSH of Montana. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Montana will state it.

Mr. WALSH of Montana. Are we proceeding under Rule VIII?

The VICE PRESIDENT. Under Rule VIII; a motion was made to proceed to the consideration of the bill, and it was carried.

Mr. OVERMAN. Mr. President, I will ask the Senator if he will not permit to be done what was done 15 years ago in the case of a similar bill—let it be referred to the Committee on the Judiciary to say whether it is constitutional?

Mr. McNARY. I could not do that.

Mr. OVERMAN. I suppose not.

Mr. HARRISON. Mr. President, will the Senator yield for a question?

Mr. OVERMAN. I shall be glad to yield.

Mr. HARRISON. Would not the Senator from North Carolina be satisfied and the Senator from Oregon be satisfied if the amendment should read:

Provided, That no land shall be purchased except cut-over, forested, or denuded lands within the watersheds of navigable streams.

That includes the language embraced in the act of 1925.

Mr. OVERMAN. If the Senator made it read "the headwaters of navigable streams," I should be satisfied with it.

Mr. HARRISON. I was merely quoting the exact language of that act.

Mr. McNARY. Certainly; I shall be very glad to accept that, because of this fact: The headwaters, in my opinion, is synonymous with the watershed; and that is the language of the reforestation act of 1924, which was the result of the work of a commission of the Senate. I shall gladly accept the amendment. It carries out my theory entirely.

Mr. OVERMAN. I have the floor. The Senator says the headwaters means all the land in the States and in the United States, and therefore under his bill appropriating \$40,000,000, and maybe \$40,000,000 more, if we start on this proposition, he can buy up the whole United States and destroy the States. Is not that so?

Mr. McNARY. Of course, that is perfect nonsense.

Mr. OVERMAN. The Senator admitted that it would take in a whole State.

Mr. McNARY. Not at all. I say that any tree that grows in this country is more or less associated with the watersheds of the country. Trees do not grow in the arid West. Trees grow in the South, where there is rainfall and snowfall; perhaps in the Great Lakes States and in the New England States, because of moisture; and any tree that grows more or less contributes to conservation of the navigability of the streams which have their sources in its watershed.

Mr. GEORGE. I should like to say to the Senator that many of them grow right down on the coast, right against the Atlantic and against the Gulf.

Mr. McNARY. That is true.

Mr. GEORGE. And they would be purchasable under this bill.

Mr. McNARY. Entirely so; and is it not true that they suspend the evaporation of water that finally percolates into the streams of the country; and does the Senator from Georgia object to the acquisition of those headwaters?

Mr. President, I am willing to accept the amendment offered by the Senator from Mississippi, because it entirely conforms to the spirit of the act of 1924. If the Senator from North Carolina, who stands alone among all of those who advocate this bill, would accept the amendment we could get together and pass the bill.

Mr. OVERMAN. Mr. President, I should like the Senator to carry out what he says is the policy; not go a thousand miles away from some navigable stream and buy land, but buy it on the headwaters of the stream. That was the provision of the Weeks Act. Under that act they have been buying cut-over land, and they are buying thousands and thousands and thousands of acres of land. Congress every year for 15 years has appropriated from one to two million dollars for that purpose. Why does the Senator want this other bill?

Mr. McNARY. Because it is a lot better bill for the country and the Senator's country, and everybody knows it but the Senator.

Mr. OVERMAN. That may be the Senator's opinion, but I know it is not.

Mr. McNARY. The Senator stands alone to-day in all those in the South against the South's interests.

Mr. OVERMAN. I am willing to do that, Mr. President. I opposed this bill four years ago, and was reelected by 50,000 majority.

Mr. McNARY. I appreciate that. I wish it had been 150,000.

Mr. OVERMAN. We had this matter up, and I know there is a propaganda going on for this bill. I know that your forest commission was a very extravagant body—one of the most extravagant bodies in this Government. We are now appropriating \$8,000,000 to them, and they want \$40,000,000 to go out and buy land everywhere in the headwaters of streams. That is what they did three weeks ago, away off from navigable streams.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. OVERMAN. I will.

Mr. LENROOT. The Senator would not limit it, for instance, in the case of the Mississippi River, to only the headwaters of the Mississippi River, and say that no land could be purchased along the Mississippi River in the Southern States?

Mr. OVERMAN. No. We are buying land now on the headwaters that make the Mississippi River, the Kanawha River, the New River, the Ohio River, and all the great rivers.

Mr. LENROOT. But they are not all navigable streams.

Mr. OVERMAN. But the Senator from Oregon contends that they are navigable streams. Any water that runs into the Mississippi River, if it is from a spring or a creek a hundred miles away, is a navigable stream. That is what the Senator from Oregon contends.

Mr. McNARY. Mr. President, I do not take the narrow view that you have to buy a few acres of land on the Columbia River or the great Colorado River or the Mississippi River or the Missouri River to make it navigable. Every tributary stream carries its quota of water, and every tree along that stream in the watershed is a contributing and a valuable factor.

Mr. OVERMAN. If the Senator will confine it to watersheds, I will accept it; I will make no objection to his bill.

Mr. McNARY. Now the Senator is getting around to my viewpoint.

Mr. OVERMAN. Will the Senator accept my amendment, then?

Mr. McNARY. What is the Senator's proposition?

Mr. OVERMAN. Has the Senator my amendment? I showed it to him. I had hoped that we could settle this matter without any contest.

Mr. McNARY. I can not accept the amendment, Mr. President.

Mr. OVERMAN. The Senator will not accept it?

Mr. McNARY. No; not at all.

Mr. OVERMAN. All right.

Mr. KEYES. Mr. President, it seems to me that we are getting a little confused as to the question before the Senate. I did not understand that it was a question of amending our present law. The bill is simply to authorize appropriations to carry into effect law that we already have. In 1911 we passed the Weeks Act, providing for the acquisition of lands on the headwaters of navigable streams. In 1904 section 6 of that act was amended, enlarging the scope of the law. This bill before us to-night is simply to carry into effect the legislation we already have, nothing more.

Mr. OVERMAN. The Senator was present at the meeting when we considered this matter.

Mr. KEYES. Yes.

Mr. OVERMAN. The Senator will remember I asked the question, "Is this land to be purchased for the purpose of protecting the headwaters of navigable streams?"

Mr. KEYES. Yes.

Mr. OVERMAN. And they said "no."

Mr. KEYES. Yes. I may say that there are seven on the committee, of which the Senator and myself happen to be members. They said "no" because we had before us section 6 of the law, which provides in the very last clause in regard to the purchase of land what I shall read. I think perhaps I had better read the whole section:

SEC. 6. That section 6 of the act of March 1, 1911 (36 Stat. L., p. 961), is hereby amended to authorize and direct the Secretary of Agriculture to examine, locate, and recommend for purchase such forested, cut-over, or denuded lands within the watersheds of navigable streams as in his judgment may be necessary to the regulation of the flow of navigable streams, or for the production of timber, and to report to the National Forest Reservation Commission the results of such examinations; but before any lands are purchased by the commission, said lands shall be examined by the Secretary of Agriculture, in cooperation with the Director of the Geological Survey, and a report made by them to the commission showing that the control of such lands by the Federal Government will promote or protect the navigation of streams, or by the Secretary of Agriculture, showing that such control will promote the production of timber thereon.

Mr. OVERMAN. And yet the Senator says I asked whether the land was bought for the purpose of protecting the headwaters of a navigable stream, just as that law provides, and they said, "No; it is not." They had their men go out in a little place somewhere and report on cut-over pine lands that had nothing to do with any streams at all. The Senator remembers that?

Mr. KEYES. Yes. I do remember it very well; but I call the Senator's attention to the last words of the section, "That such control will promote the production of timber thereon." That is the law. The commission simply tried to carry out the law. I want to call the Senate's attention to the fact that there has not been one single acre of land purchased, in spite

of what my good friend from North Carolina has stated here to the effect that we are buying land all over the United States, all kinds of land. There has not been one single acre purchased up to the present time.

Mr. OVERMAN. How about the Michigan lands?

Mr. KEYES. They have not been purchased.

Mr. OVERMAN. We paid \$50,000 for a little tract out there, and that is the very land I was protesting about, and the Senator himself admits here that the witnesses said it was not for the purpose of protecting the timber.

Mr. KEYES. I maintain that not one acre of land has been purchased. The commission authorized the purchase of some 50,000 acres of land in Michigan at \$1 an acre. The purchase has never been consummated, and the question of the constitutionality of this matter, it seemed to at least six members of the commission, was a matter that would be determined by the courts. The commission simply endeavored to carry out the law as it exists, and the bill before us to-night is nothing more than a measure to authorize appropriations to carry into effect existing law.

Mr. WADSWORTH. Mr. President, will the Senator yield?

Mr. KEYES. I yield.

Mr. WADSWORTH. Will the Senator state what the purpose of the proposed Michigan purchase was?

Mr. KEYES. It was not to protect the headwaters of navigable streams. It was to be purchased under section 6, which was really for timber production on the waters of navigable streams, or lands about navigable streams.

Mr. WADSWORTH. Do I understand the Senator to say that the commission is authorized by the existing law to purchase land for either one of two purposes, first, to protect the watershed of a navigable stream; and, second, to encourage the growth of timber?

Mr. KEYES. Exactly. One is for stream protection and the other for timber production. I think that is the law.

Mr. WADSWORTH. If that is true, and that second alternative just described by the Senator is in the statute, then, of course, there is no limit on the purchases to be made by the commission, except the funds appropriated by Congress. They can go anywhere, in any State, provided they can assume to their own satisfaction that the land they are buying can be used for the encouragement of the growth of timber or the preservation of the timber supply. I am merely translating what the Senator himself has said in reply to my question.

Mr. KEYES. It refers to navigable streams.

Mr. WADSWORTH. I know; that is settled. But how about the other alternatives?

Mr. KEYES. I mean that the lands which are being purchased for timber production must be around navigable streams.

Mr. WADSWORTH. Were the 50,000 acres in Michigan around navigable streams?

Mr. KEYES. Some of it was.

Mr. WADSWORTH. What stream?

Mr. KEYES. I am unable to give the Senator the name of the stream, but it is my understanding that some of that land was around a navigable stream.

Mr. OVERMAN. Or tributary to the Great Lakes.

Mr. KEYES. Streams running into the Great Lakes.

Mr. WADSWORTH. Half the United States is tributary to the Great Lakes.

Mr. GOODING. It is just as important to protect the watershed of the Great Lakes as of any other body of water in the United States, and the object of a protective-forest cover is to hold the moisture.

Mr. WADSWORTH. Then, there is no limit at all. Why not say in the statute that the commission may purchase lands anywhere?

Mr. GOODING. The author of the bill said there was no limit.

Mr. CARAWAY. Mr. President, I do not subscribe to the theory that is being advocated by the people who want to take over all the streams and all of the woodland of this country, who claim that every drop of water that trickles is a part of some navigable stream, and that the Government may extend its jurisdiction to the very springs that flow out of the rocks, and take charge of them. If so, it can take charge of every stream in America, and if the explanation of the Senator from Oregon is correct, it can take charge of all the forest lands.

I am curious, then, to know what it is that the Federal Government does not own, what it is that the State has a right to control, what it is that lies outside of the jurisdiction of the Federal Government. I feel no particular interest in the legislation one way or the other; I am not particularly friendly with this idea of extending the Federal ownership of lands.

I have heard the gentleman from the West complaining about so much of their lands being in Federal control. I have heard

it advocated upon this floor that the Federal Government ought to contribute toward the upkeep of some of the States by reason of the fact that most of the lands are in Federal control, and I have almost been persuaded that there was some justice in that claim.

Mr. GOODING. Mr. President, will the Senator yield?

Mr. CARAWAY. I yield.

Mr. GOODING. May I say to the Senator from Arkansas that the West, my State, and I think all the States in the West, as far as the timber is concerned, are cooperating with the Government now in reforestation. We think it is going to mean a great asset to the West in time as timber becomes valuable, and I can agree with the Senator from Oregon that practically every tree in this country that is on a watershed contributes to the watershed in conserving the moisture, making a forest bed so that the snows will not run off in great torrents and great floods. That is the object of forestation, conserving the watersheds, conserving the moisture.

Mr. CARAWAY. That is doubtless true.

Mr. GOODING. Improving the conditions not only of the streams but of the country generally.

Practically all the trees except the trees along the seaboard—

Mr. CARAWAY. The Senator is parting company with the Senator from Oregon, who assured the Senator from Georgia that every tree that grew along the sea was a part of the forest protection.

Mr. GOODING. It can be said that 97 per cent of all the forests are on watersheds or contribute to some river, to some stream, that makes up the Mississippi or one of the other great rivers of America.

Mr. CARAWAY. The Senator's contention is that the Federal Government could acquire all the forests in America?

Mr. GOODING. No; I would not put it that way; but the forests ought to be conserved wherever we can conserve them. In a few years we will not have any timber in America. We are wasting our forests faster than any other country on earth, and in 25 years we will be paying twice as much for lumber as we are now.

It is only the General Government and the States that can encourage forestry, because no individual can afford to pay taxes on a great body of land and wait for a forest to develop. So it is a necessity for either the States or the General Government to cooperate if we are to have forests in America.

Mr. CARAWAY. If that is the Senator's idea, that the Government ought to take over all the forest lands and all the streams, I have no fault to find with him, but as long as the Constitution does not warrant it I do not subscribe to it. That is all I care to say.

Mr. OVERMAN. Mr. President, the milk in the coconut is what the Senator from New Hampshire read about this law—that it was not for the purpose of protecting the headwaters of navigable streams, but was for the protection and production of timber. That is not a matter for the General Government. My State appropriated last year \$2,000,000 for the purpose of buying land. If you want to protect the lands in a watershed, let the State do it. Do we want the Government to own all the land in this country? If that is a policy that is adopted, then the Government will own all the land everywhere. The Senator says my people are in favor of this bill. I have no doubt a thousand letters have been written to my State to try to get people to ask me to withdraw my opposition to the measure.

Mr. SHEPPARD. Mr. President, may I ask the Senator a question?

Mr. OVERMAN. Certainly.

Mr. SHEPPARD. Under this bill can we acquire land in a State without the consent of the State?

Mr. OVERMAN. No; we can not. We can not condemn it without the consent of the State. My State has consented to the buying of land for the purpose of protecting the headwaters of navigable streams.

I was about to say that there has been considerable propaganda on this matter. The good women of my State and distinguished men and others have been writing to me asking me to give my support to the bill, but I can not be governed by that sort of thing when I know the Congress would be acting outside of the law. It is unconstitutional, as the Senator admits and as the Congress has stated and as I have tried here to show. It is not within the Constitution. Committees have time and again unanimously said we could not do it. People have asked me to vote for a bill proposing to go outside in the buying of lands for the protection of headwaters, here and there and everywhere, but I can not do it. No matter what the people

say, I am going to stand by the Constitution as I see it and as I know it.

Mr. McNARY. Reference has been made by the distinguished Senator from North Carolina to a report of the House committee in 1917. That committee held that we could not go out and buy land disassociated from watersheds or streams. I yield to that argument. I am not impinging upon that argument. We are quite agreed on that point. I only take the view and the large view that we have a right not only to take forest areas but denuded areas and logged-off areas in all the watersheds of navigable streams.

Mr. OVERMAN. The Senator says it is unconstitutional. What is unconstitutional? Under the Senator's argument they could buy land a thousand miles away from a navigable stream.

Mr. McNARY. Oh, no; I have never argued for going out and canvassing where there are no streams, in the Mississippi Valley or the great Gulf States or the western divide of Colorado, for the purpose of buying up land and planting trees.

Mr. OVERMAN. According to the Senator's argument a little stream in Kansas, even a little branch in Kansas, is a headwater of a navigable stream.

Mr. McNARY. There are very few streams in Kansas which flow anywhere or go into a navigable stream.

Mr. OVERMAN. They must go into navigable streams if they go anywhere.

Mr. WALSH of Montana. Mr. President, I inquire if the Senator from Oregon and the Senator from North Carolina have not twice spoken on the subject?

Mr. OVERMAN. I have had the floor and have been interrupted. I am ready to yield the floor. I have offered an amendment and I do not see why it should not be adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from North Carolina.

Mr. HARRISON. Mr. President, about two years ago the Senate appointed a committee to go out and study the question of reforestation. They traveled over the country and made certain recommendations. Those recommendations in part were written into law, and, as I recall it, the act of 1924 is a part of one of the recommendations.

There is nothing complicated about the question now before the Senate. It is merely a request to increase the appropriations for the purchase of the lands embraced in the present law, section 6, of 1924. Section 6, of 1924, gives to the Secretary of Agriculture power to "purchase lands, forested or cut-over or denuded lands, within the watershed of navigable streams as in his judgment," and so forth. Under the present law we can expend so much money a year. We say this question is of such importance that the Congress ought to increase the appropriations annually for the purpose in order that we can conserve some of the forests, that we can purchase more of the lands and bring benefit to the people.

Mr. KING. Mr. President, will the Senator yield?

Mr. HARRISON. I submit the proposition ought to be agreed to. It is not changing any existing law. It is merely carrying out the law by asking for a larger appropriation annually.

I yield now to the Senator from Utah.

Mr. KING. I ask the Senator if it be a fact, as indicated by the Senator from North Carolina, that those administering the law perverted and misinterpreted it and purchased lands which were not within the contemplation of those who enacted the law, is it not proper, indeed, is it not imperative, that hooks should be put into their jaws and that they should be restrained to the legitimate exercise of constitutional power?

Mr. HARRISON. I do not know whether they perverted the law or not. I take it that they have done their duty. But we can hardly find any 160-acre tract of land on any navigable stream in the United States as to which everyone might agree that every part of it constituted a part of a watershed and that if we should purchase timber on every part of it, it would add to the protection of the headwaters of a stream. I submit it is not necessary to adopt the amendment offered by the Senator from North Carolina. If he insists on it being considered, I shall offer a substitute for it.

Mr. BINGHAM. Mr. President, in order to save the time of the Senate I ask permission to have inserted in the Record, without reading, portions of several letters from various Connecticut organizations, including the Connecticut Federation of Women's Clubs, the Connecticut Botanical Society, and others, showing a general interest in the bill throughout Connecticut. I should read them, but I merely ask unanimous consent to have them printed in the Record without being read in order to save time.

The VICE PRESIDENT. Without objection, it is so ordered.

The letters are as follows:

CONNECTICUT FEDERATION OF WOMEN'S CLUBS,
New Haven, Conn., January 21, 1926.

Senator HIRAM BINGHAM,
Senate Chamber, Washington, D. C.

DEAR SIR: As chairman of conservation of the Connecticut Federation of Women's Clubs, representing 8,000 women, I am writing to ask your favorable consideration of Senate bill 718 to carry out adequately the provisions of the McNary-Woodruff bill.

Having been conservation chairman for 25 years, I can truly say that the women of your State have been very active workers, for constructive conservation, for several years—and wish to see our State in the vanguard of all work, which eventually will bring about a well-developed State policy. The New England Forestry Congress and the Connecticut Forestry Association have indorsed this bill.

Very truly yours,

JESSIE B. GERARD,

Chairman of Conservation Connecticut Federation of Women's Clubs.

THE FORTNIGHTLY.

Mr. HIRAM BINGHAM,
Washington, D. C.

MY DEAR MR. BINGHAM: At its three hundred and thirty-fourth meeting on January 13, the Fortnightly, a club of New Haven women, voted to make known to you and Mr. McLEAN the hope of its members that their Connecticut Senators would favor the passage of the McNary-Woodruff bill now pending in the Senate. The club is especially interested in the primeval forest of red spruce at Mad Run Notch, N. H., and understands that if this bill is passed its preservation will be assured.

Very sincerely yours,

ELIZABETH C. BEERS, Secretary.

NEW HAVEN, January 17, 1927.

THE CONNECTICUT BOTANICAL SOCIETY (INC.),
New Haven, Conn.

Hon. HIRAM BINGHAM,
Senator, Washington, D. C.:

At the annual meeting of the Connecticut Botanical Society, held at New Haven, Conn., January 29, the matter was brought up in reference to help save the forests in the Waterville Valley and Mad River Notch in New Hampshire, and the following resolution was passed unanimously:

Resolved, That this society is in favor of the Government purchasing this tract of land, and that a copy of this resolution be sent to Senator McLEAN and Senator BINGHAM.

Yours truly,

ARTHUR E. BLEWITT,
Corresponding Secretary.

P. S.—The McNary-Woodruff bill, S. 718, covers this situation.

THE CURTIS HOME,
Meriden, Conn., January 19, 1927.

Hon. HIRAM BINGHAM,
United States Senate, Washington, D. C.

DEAR SIR: My attention has been called, as a member of the Society for the Protection of New Hampshire Forests, to the opportunity of saving 16,000 acres of spruce timber in the township of Waterville, N. H., an area which includes the Notch of the famous Mad River, immortalized by Longfellow, provided the McNary-Woodruff bill shall pass the Senate at this session.

I earnestly hope that you will see your way clear not only to favoring its passage but to using your influence and good offices to bring this desirable action about.

Very respectfully yours,

FREDERICK W. KILBOURNE,
Secretary, Connecticut Chapter Appalachian Mountain Club.

THE STAMFORD CHAMBER OF COMMERCE (INC.),
Stamford, Conn., February 16, 1927.

Hon. HIRAM BINGHAM,
United States Senate, Washington, D. C.

HONORABLE SIR:

We favor the McNary-Woodruff bill, S. 718. We are particularly anxious to see the National Forest Reservation Commission purchase additional land in New Hampshire for addition to the national forest in the White Mountains.

Yours very truly,

E. G. KINGSBURY,
Secretary, Stamford Chamber of Commerce (Inc.).

THE WOONSOCKET CHAMBER OF COMMERCE, INC.,
Woonsocket, R. I., February 16, 1927.

Hon. HIRAM BINGHAM,
United States Senate, Washington, D. C.

DEAR SENATOR: At a meeting of the board of directors of this chamber held Monday, February 14, extended consideration was given to the McNary-Woodruff bill, which has to do with the acquisition of additional forest lands in New England.

It is our understanding that the New England council and many other agencies interested in the welfare of New England are in favor of this legislation, and our board wishes to be recorded as being in favor also.

The opinion was expressed that Federal Government should begin at once to carry out a definite program of forestry in the New England States.

We hope that you will do all you can to assist in the passage of this legislation.

Very truly yours,

CHARLES E. SMITH,
Managing Secretary.

BRIDGEPORT CHAMBER OF COMMERCE,
Bridgeport, Conn., February 19, 1927.

Hon. HIRAM BINGHAM,
United States Senator from Connecticut, Washington, D. C.

MY DEAR SENATOR BINGHAM: At the meeting of our board of directors held yesterday resolutions were passed urging your support for the following measures: House bill 8902, "day labor bill," Government forest reservation in New Hampshire. The chamber went on record as favoring immediate action by Congress to purchase tract of some 22,500 acres of forests at the headwaters of the Merrimac River.

I know you will appreciate the fact that our board of directors have no desire to tie your hands in these matters, and the resolutions are submitted to you simply as an indication of the sentiment of the members of our board in regard to these matters.

In case you desire separate letters for presentation to committees, I would be very glad to supply them.

Very cordially yours,

BRIDGEPORT CHAMBER OF COMMERCE,
ROBERT A. CROSBY, Executive Secretary.

THE NEW HAVEN CHAMBER OF COMMERCE,
New Haven, Conn., February 21, 1927.

Senator HIRAM BINGHAM,
United States Senate, Washington, D. C.

MY DEAR SENATOR BINGHAM: The New Haven Chamber of Commerce has for a long time been interested in the preservation of the timberland in the White Mountains.

We understand that there is now a chance for the Government to acquire a tract of about 22,500 acres at the headwaters of the Merrimac River, and also that this tract will be cut over within the next year or two unless it is bought by the Government.

We further understand that the logging company is willing to sell at cost, plus interest for one year, and that the timber on it, if cut under Government supervision and according to the best forestry methods, would bring a return to the Government.

The McNary-Woodruff bill, if passed, will give the necessary protection. We hope that you will find it possible to support this bill or, if it fails of passage, to urge that an item be placed in the deficiency bill which will save this very valuable tract.

Very truly yours,

J. F. FERGUSON, Secretary.

The VICE PRESIDENT. The question is on the amendment of the Senator from North Carolina [Mr. OVERMAN] to insert, at the proper place in the bill, the following proviso:

Provided, That no lands shall be purchased except lands necessary for the protection of the headwaters of navigable streams.

On a division, the amendment was rejected.

Mr. KING. I desire to give notice that when the bill reaches the Senate I may offer an amendment.

The VICE PRESIDENT. The bill is still as in Committee of the Whole and open to amendment. If there are no further amendments to be offered the bill will be reported to the Senate.

The bill was reported to the Senate without amendment.

Mr. KING. I desire to offer an amendment.

The VICE PRESIDENT. The clerk will read the amendment.

Mr. KING. Preliminary to offering the amendment, if I may have the attention of the Senator having the bill in charge, I inquire why it was deemed necessary to increase the appropria-

tion above the \$3,000,000 found in the first line of the bill and the \$5,000,000 found in the latter lines of the bill?

Mr. McNARY. Under the present law, as contained in the annual appropriation bills for the Department of Agriculture, \$1,000,000 is carried for this purpose. It was thought that for five years it would be well to expend \$3,000,000 annually and later for a five-year period expend \$5,000,000 annually in order to acquire all the necessary land to protect the watersheds of the navigable streams in a period of a 10-year program. That was the thought of the Secretary of Agriculture, the conservation commission, and those interested in the reforestation problem of the country.

Mr. KING. May I ask the Senator if, when the \$40,000,000 shall have been expended, the commission has any program beyond that period?

Mr. McNARY. I have not the power of prophecy. I only know and I anticipate that those who are interested in the reforestation problem in the South, the Great Lakes States, and the New England States will want to keep forest replacement equal to the demands on the forests. I assume there may be a plan yet to be formulated which might be comparable with the needs of the country. I should hesitate to say anything less than that.

Mr. KING. The Senator's statement, for which I thank him, is very illuminating and shows of course the grasping character, shall I say, of the commission. This bill is merely an entering wedge to plans by which undoubtedly not only tens, but perhaps hundreds of millions of dollars will be sought to be expended, without limitation, by the organization charged with this responsibility.

It seems to me the bill is very loosely drawn. Section 6 as amended, as read to us by the Senator from New Hampshire, expands the powers of the commission and imposes no restrictions and no reasonable limitations upon their discretion. Any land which they conceive may possibly relate to navigation, which embraces the springs and the tops of the mountains, may be purchased, as well as lands along the seashore. Any land may be purchased without restriction, according to the interpretation placed upon the law as I understand it.

Of course it means, if Congress is unwise and foolish enough to respond to the demands of the grasping and ambitious organizations, that we shall be called upon to appropriate millions and tens of millions of dollars, and millions of acres of land now in private ownership will be purchased, and purchased as some lands have been purchased at prices very much more than the intrinsic value of the land.

My attention has been drawn to the fact that some cut-over lands have been purchased and efforts have been made to acquire others, and that the prices paid or contracted to be paid or tentatively agreed to be paid, were not justified by any demand in the market for lands of like character. It does seem to me that we are giving too much discretion to Federal officials, to bureaucracy. The power exercised here really is exercised by the Secretary of Agriculture, or such instrumentalities as he may set up. I am opposed to the bill in the present form and if I thought it would be of any avail I should move to restrict the appropriation. I shall not offer the amendment which I contemplated, in view of the vote just had upon the amendment offered by the Senator from North Carolina.

The VICE PRESIDENT. The bill is in the Senate and open to amendment.

Mr. WADSWORTH. Just a few words before the vote is had upon the passage of the bill. Of course, it is true that the bill may be said to be a measure to finance, for 10 years to come, existing law on the subject. That does not detract from its importance from a fundamental standpoint, because when we lay down this 10-year program of financing and purchase, we have taken the first step on a long, long journey, if I read the law aright and catch the spirit of the particular bill and all those people who support it.

I may be wrong, but I can not now recollect any executive department of the Government being authorized to purchase land without submitting estimates to Congress and securing authorization from Congress in each case. Congress has been very jealous in that respect, and I think wisely so. I know, for example, that the War Department is not permitted by the Congress under any circumstances to buy land out of a lump-sum appropriation, but is compelled under our practice here, to submit to Congress a description of the land, its estimated cost, and its description by metes and bounds, and to await the passage of an act authorizing that specific appropriation.

I think that is a wise policy for the Congress to pursue. In the passage of a bill such as this, Congress loses control over

the purse strings, and we authorize a commission to spend \$40,000,000 in 10 years buying land anywhere.

Mr. HARRISON. Mr. President, will the Senator from New York yield to me?

Mr. WADSWORTH. I will.

Mr. HARRISON. Did the Senator from New York vote for the public buildings bill, giving the Secretary of the Treasury the authority to expend all the money which we therein appropriated?

Mr. WADSWORTH. I did.

Mr. HARRISON. The Secretary of the Treasury has the right to expend that money wherever he chooses; there is no limitation upon him in the appropriation carried in that law.

Mr. WADSWORTH. But in that law there were certain conditions and restrictions laid down, as I recollect.

Mr. HARRISON. The Secretary of the Treasury can select whatever place he chooses and he can expend whatever money he wishes to expend at that particular place.

Mr. WADSWORTH. But I do not think that bill laid down a 10-year program.

Mr. HARRISON. I may say that I voted against the proposition, but I thought the Senator from New York had voted for it.

Mr. WADSWORTH. I do not think the analogy is quite accurate. This bill, as I have stated, proposes a 10-year program, which will be followed by another 10-year program, and we shall not stop at \$40,000,000 in the next program. The appropriation will then be \$80,000,000 or more. If the intent of the Congress could be described in this particular bill with some degree of strictness to indicate very clearly that we want these lands purchased only where they may be of service in protecting the watersheds of navigable streams there might be a little difference; but, as the Senator from New Hampshire [Mr. KEYES] has explained the law which this bill is to finance the lands to be purchased need not be restricted to that category, but may be purchased for the purpose of encouraging or conserving timber growth, with no relation to watersheds or navigable streams.

There will be a very large number of owners of cut-over land anxious to sell as soon as this bill goes through, and unless, of course, it repeals this proposed act or amends it next year or the year thereafter, presumably the Congress for 10 years will have lost control, for there is no restriction, as I understand, on the discretion of the commission that is to spend the \$40,000,000.

Mr. McNARY. Mr. President, if the Senator from New York would read the Weeks Act creating the National Forest Reservation Commission, he would see that there are certain restrictions and reservations and rules to which the commission must conform, and it must report to Congress before the purchase or acquirement of any of these lands.

Mr. WADSWORTH. This bill is an authorization.

Mr. McNARY. Entirely so, operating under the law that is now enacted in the Weeks Act of 1911.

Mr. WADSWORTH. I am perfectly aware that this bill does not actually appropriate the money; but my experience in the Congress thus far has taught me that once an authorization is put upon the statute books, Congress in the future follows it out. My fear is that an authorization of this kind, with scarcely any restriction, as I understand, from the description of the Senator from New Hampshire upon the discretion of the commission, actually embarks this Government upon a program without end. I do not say this as an enemy of conservation; but merely as one having some concern as to the extent of the growth of the Federal power.

Mr. TRAMMELL. Mr. President, will the Senator from New York yield for a question?

Mr. WADSWORTH. I will.

Mr. TRAMMELL. Along the line of the argument being made by the Senator from New York, I desire to say that it seems to me, under the provisions of section 6 of the act of 1924, it was contemplated that the Secretary of Agriculture would select these lands, locate them and report back to the commission. I do not think that that meant that he should report back merely generalities, but that he should report back the particular lands he thought should be purchased and the price. I should like to know if that has been done, or, are we going to make an appropriation, as suggested by the Senator from New York, to purchase lands which have not heretofore been selected?

Mr. WADSWORTH. Of course, I can not answer that question.

Mr. KEYES. Mr. President, will the Senator from New York yield to me?

Mr. WADSWORTH. I yield the floor. I merely wanted to voice my single protest.

Mr. KEYES. The procedure in the purchase of these lands is that the Secretary of Agriculture, when lands are offered, proceeds to make a very careful investigation through the Forestry Service of the land to ascertain what timber may be on it and to what extent it has been denuded. The work is done in very great detail. All of those details and data are submitted to the members of the commission. The commission, after considering each separate unit of the proposed purchase, acts upon the question as to whether or not the purchase shall be made.

Mr. TRAMMELL. Under the provisions of section 6 has the Secretary of Agriculture selected lands and recommended to the commission any particular land to be purchased?

Mr. KEYES. Yes.

Mr. TRAMMELL. I do not find a list of those properties included in the report made by the commission.

Mr. KEYES. Oh, no.

Mr. TRAMMELL. Why has not the commission let the Senate know what lands the commission propose to purchase for this \$40,000,000, the price they propose to pay for them, and their location?

Mr. KEYES. The program is outlined so far as it can be by those who are interested in forestry conservation, and in asking for the \$40,000,000 they contemplate carrying into effect the original plan of the Weeks Act, which contemplated the acquisition of certain forest reservations on the headwaters of navigable streams in the East extending from New England to the extreme South. That act had in view the purchase of about 6,000,000 acres of land. The Government has already acquired nearly one-half of that acreage, leaving about 3,000,000 acres still to be purchased. It also contemplated the purchase of about 3,500,000 acres of land in the Great Lakes region and about 2,500,000 acres of pine land in the South. The estimates which have been made of the cost of the acquisition of the 3,000,000 acres under the original Weeks Act, the land in the neighborhood of the Great Lakes and the pine land in the South, indicate an expenditure of about \$40,000,000. It is to carry out that program that this bill before us is now believed to be desirable.

Mr. TRAMMELL. Mr. President, I am very heartily in favor of reforestation, and on account of my general attitude toward the subject, my general temper toward reforestation, I feel constrained to support the bill; but I think, as suggested by the Senator from New York, that there should be some additional safeguards thrown around the purchase of lands and the investigation of lands for purchase. It is proposed in this bill to authorize the expenditure of \$40,000,000 by one of the departments of the Government, and no report is required to be made to Congress or to any committee of Congress so far as the details are concerned. Such a procedure is contrary to good-government policy. In dealing with public matters from the standpoint of the States and the interests of the States, I find that where a requirement is made that the transaction shall be carried on in a public way, that bids or offerings shall be invited through public advertisements, the Government always obtains better results.

One great trouble about this proposal is that many of the cut-over landowners are going to be dissatisfied, because there are going to be many of them who will not be able to sell their land. Take, for instance, States where there are perhaps 6,000,000 acres of cut-over lands, and there are only going to be in the neighborhood of 300,000 to 500,000 acres of such land acquired. In such cases the owners of the other five million or more acres of cut-over land are going to be dissatisfied, because they have not sold their land to the Government. In fairness and justice, I suggest to those who may administer the law that they should invite bids and offerings from owners who have cut-over lands for sale, so that they will all have an opportunity, at least, to offer to the Government the lands which they desire to get rid of in order to avoid taxation. Some systematic policy of publicity of that character ought to be pursued. If it is not pursued, a great many of the Senators are going to be severely censured by nine-tenths of the owners of cut-over lands who do not sell them or even have the opportunity of offering their lands. The owners will say that they did not have an opportunity to sell their lands; that those in charge of the matter went around and carried on star chamber or private negotiations; and they will say, "We found that Mr. A sold his land, but none of the rest of us had an opportunity to sell ours."

As a matter of course, I think that a great deal of the sentiment back of this bill is sincere and is actuated by a sincere desire to bring about reforestation and that is what influences me to support the bill; but, on the other hand, the bill has considerable support on the part of those who desire, it might be said, in a way to sell to the Government their lands. I hope that those who administer the act—and the

chairman of the committee has a great deal of influence with the department—will manage the situation so that we will not have too many people in our States dissatisfied because they have not sold their cut-over land.

The VICE PRESIDENT. The bill is in the Senate and is still open to amendment.

Mr. OVERMAN. I offer in the Senate the same amendment which I offered as in the Committee of the Whole, and I ask for the yeas and nays on the amendment.

The VICE PRESIDENT. Is the request for the yeas and nays seconded?

The yeas and nays were ordered.

Mr. BINGHAM. Mr. President, I ask that the question be stated.

The VICE PRESIDENT. The amendment of the Senator from North Carolina is to insert at the proper place in the bill a proviso reading—

Provided, That no lands shall be purchased except those lands which are necessary for the protection of the headwaters of navigable streams.

The clerk will call the roll.

The Chief Clerk called the roll.

Mr. GLASS. I transfer my general pair with the senior Senator from Connecticut [Mr. McLEAN] to the senior Senator from New Mexico [Mr. JONES], and will vote. I vote "yea."

Mr. BRATTON. I desire to announce that my colleague [Mr. JONES of New Mexico] is absent on account of illness.

Mr. HARRELD. I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. Not knowing how he would vote on this question, I withhold my vote.

Mr. JONES of Washington. I have been requested to announce the following general pairs:

The Senator from Colorado [Mr. MEANS] with the Senator from Utah [Mr. KING];

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. FLETCHER]; and

The Senator from Massachusetts [Mr. GILLET] with the Senator from Alabama [Mr. UNDERWOOD].

I also desire to announce that the Senator from Nevada [Mr. ODDIE] is absent on account of illness.

The result was announced—yeas 34, nays 25, as follows:

YEAS—34

Ashurst	Edge	McKellar	Steck
Bayard	Edwards	Mayfield	Stephens
Bingham	Fess	Neely	Tyson
Blease	George	Nye	Wadsworth
Bratton	Glass	Overman	Warren
Broussard	Goff	Phipps	Watson
Bruce	Harris	Reed, Mo.	Willis
Curaway	Howell	Robinson, Ind.	
Curtis	Jones, Wash.	Smith	

NAYS—25

Capper	Hale	Metcalf	Stewart
Copeland	Harrison	Pine	Trammell
Couzens	Hawes	Reed, Pa.	Walsh, Mass.
Deneen	Keyes	Sackett	Walsh, Mont.
Ernst	Leahoot	Schall	
Ferris	McMaster	Sheppard	
Gooding	McNary	Shortridge	

NOT VOTING—36

Borah	Gould	McLean	Robinson, Ark.
Cameron	Greene	Means	Shipstead
Dale	Harreld	Moses	Simmons
Dill	Hedin	Norbeck	Smoot
du Pont	Johnson	Norris	Stanfield
Fletcher	Jones, N. Mex.	Oddie	Swanson
Frazier	Kendrick	Pepper	Underwood
Gerry	King	Pittman	Weller
Gillett	La Follette	Ransdell	Wheeler

So Mr. OVERMAN's amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INVESTIGATION OF CAMPAIGN EXPENDITURES

Mr. REED of Missouri. Mr. President, I have been trying to get action by the Senate on Senate Resolution 364, which is the resolution authorizing the special committee to complete its work in the investigation which has been conducted.

I ask unanimous consent, out of order, to take up that resolution at this time. I think it will take only a few moments to dispose of the resolution.

The VICE PRESIDENT. Is there objection?

Mr. REED of Pennsylvania. Mr. President, there are a number of matters in that resolution that, I think, deserve some consideration, and I am going to ask that it go over until we can consider it more at length.

Mr. REED of Missouri. Then, Mr. President, I give notice that at the earliest possible opportunity on to-morrow I shall call up this resolution, and, so far as I am able to do so, I shall endeavor to hold it before the Senate until final action.

BILLS PASSED OVER

The bill (S. 66) to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes, was announced as next in order.

Mr. JONES of Washington. I will ask that that bill go over. We could not complete its consideration at this evening session.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3027) making eligible for retirement, under certain conditions, officers and former officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War, was announced as next in order.

Mr. REED of Pennsylvania. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

SALE OF COTTON AND GRAIN IN FUTURE MARKETS

The bill (S. 454) to prevent the sale of cotton and grain in future markets was announced as next in order.

Mr. WADSWORTH. Let that go over.

Mr. CARAWAY. Mr. President, I hope the Senator who made the objection to the consideration of this measure will withdraw the objection. This bill has been on the calendar for a number of months, and is of very vital importance, and particularly so to people who grow cotton. If the Senator from New York wishes to object to the part of it that deals with grain I shall be willing to accept an amendment striking out all reference to grain, and let us legislate with reference to cotton alone.

Mr. JONES of Washington. Mr. President, I observe that the senior Senator from Louisiana [Mr. RANDELL] filed a minority report on this bill. I do not see the senior Senator from Louisiana here. Does the Senator think it would be desirable to take up the bill when the Senator from Louisiana is not present?

Mr. CARAWAY. I should like to say to the Senator from Washington that I told the Senator from Louisiana that I intended to try to take up the bill; but I want to say this much, so that I shall be thoroughly understood:

The Senator from Louisiana had a bill on the calendar dealing with cotton. I told him that when it came up I purposed to move to attach this bill as an amendment to his bill. He came to me later and asked me to withdraw any objection to his measure, or not to try to amend it by attaching this, and I told him at the time that I expected to try to take up this bill.

I am particularly anxious that we pass this measure now, in view of the legislation recently passed which was designed to stabilize farm products. It seems to me to be wholly inconsistent to pass a measure with the avowed purpose of stabilizing prices, and then permit the sale in futures of many, many times over the amount of these products that are actually produced. The maximum amount of cotton that we can grow in America this year is estimated at 18,000,000 bales, which is the largest crop we ever grew. The actual amount of cotton that we ordinarily grow is about fifteen or sixteen million bales. They sell on the exchanges anywhere from 100,000,000 to 150,000,000 bales. The speculative market is controlled, or else those who have the best opportunity to know are not candid, because the Department of Agriculture with its experts before the committee during the last session of Congress admitted that the market could be manipulated.

I know from actually watching the cotton market that the future market can be manipulated and the spot market depressed. That has been done every year, and, as everybody who has watched the cotton market knows, it has cost the farmers hundreds of millions of dollars. The legislation that is proposed does not keep a man from selling his product for future delivery. It merely requires that he shall either have the product or have it in course of production. He may sell what he has, or what he expects he will have; but he is not permitted to sell that which he does not have, and which he knows he never will have.

I hope, therefore, that the Senator from New York will withdraw his objection and let us consider the bill without the necessity of voting on the question of taking it up.

Mr. WADSWORTH. Mr. President, I can not do that. I think the whole thing is utterly unsound.

Mr. CARAWAY. Does the Senator know anything about the cotton market?

Mr. WADSWORTH. Very little from personal contact with it; but I can not understand what is to be gained by the Government saying to a man that he shall not purchase a contract for sale, although he may not own the goods at the time.

Mr. CARAWAY. And never expects to own them?

Mr. WADSWORTH. It is not our function to explore his mind as to whether he expects to own something. He is obligated to deliver.

Mr. CARAWAY. No; he is not. The Senator is mistaken.

Mr. WADSWORTH. He must deliver his contract, if not the goods.

Mr. CARAWAY. Oh, no; the Senator is utterly without information as to this subject.

Mr. WADSWORTH. Then he has nothing to sell.

Mr. CARAWAY. Nothing in the world, more than a gambler has anything to sell. All he sells is the bet on the market, and he has depressed the price by it. Anybody knows that the Senator would not for an instant tolerate a man hawking off the stock of a bank that he never owned and never expected to own in order to destroy the confidence people might have in the bank. You can not sell railroad stocks in that way. You can not sell things that are not in existence except when you deal with farmers' products.

Mr. WADSWORTH. It is done again and again in the case of stocks. I can contract to deliver to the Senator from Arkansas stocks on a certain day at a certain price, although on the day when I make the contract I do not own the stocks.

Mr. CARAWAY. And never expect to own them?

Mr. WADSWORTH. I will have to own them in order to deliver on my contract.

Mr. CARAWAY. But you do not have to own cotton in order to deliver on your contract in dealing with futures. You settle on differences. That is what I am complaining about. All I say is that the man may sell as many contracts as he wants to if the goods are in existence and he expects to deliver and has either a contract for their purchase or has them in course of production; that is all.

The PRESIDING OFFICER (Mr. FESS in the chair). The Chair will state that the Senate is operating under the five-minute rule.

Mr. CARAWAY. I am conscious of that. I do not think I have had five minutes.

The PRESIDING OFFICER. Yes; the Senator has.

Mr. CARAWAY. Of course if the Chair, without anybody else calling attention to it, wants to take a Senator off the floor, I presume he can do so while he occupies the chair. Nobody else ever thought it was necessary to do it.

Before yielding the floor, Mr. President, I move to take up the bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Arkansas to proceed to the consideration of the bill, and that motion is not debatable.

Mr. BROUSSARD. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. CURTIS. I have a pair with the senior Senator from New Mexico [Mr. JONES] on this question. In his absence, not knowing how he would vote, I withhold my vote.

Mr. JONES of Washington. I desire to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. FLETCHER];

The Senator from Massachusetts [Mr. GILLET] with the Senator from Alabama [Mr. UNDERWOOD];

The Senator from Colorado [Mr. MEANS] with the Senator from Utah [Mr. KING]; and

The Senator from Connecticut [Mr. McLEAN] with the Senator from Virginia [Mr. GLASS].

The result was announced—yeas, 30, nays 27, as follows:

YEAS—30

Ashurst	Goff	McNary	Steck
Bayard	Gooding	Mayfield	Stephens
Bratton	Harris	Neely	Stewart
Capper	Harrison	Nye	Trammell
Caraway	Heflin	Overman	Tyson
Couzens	Jones, Wash.	Robinson, Ind.	Walsh, Mass.
Ferris	McKellar	Schall	
George	McMaster	Sheppard	

NAYS—27

Bingham	Edwards	Keyes	Smith
Blease	Ernst	Lenroot	Wadsworth
Broussard	Fess	Metcalf	Walsh, Mont.
Bruce	Hale	Phipps	Warren
Copeland	Harrell	Pine	Watson
Deneen	Hawes	Reed, Pa.	Willis
Edge	Howell	Shortridge	

NOT VOTING—38

Borah	Frazier	Jones, N. Mex.	Norbeck
Cameron	Gerry	Kendrick	Norris
Curtis	Gillett	King	Oddie
Dale	Glass	La Follette	Pepper
Dill	Gould	McLean	Pittman
du Pont	Greene	Means	Ransdell
Fletcher	Johnson	Moses	Reed, Mo.

Robinson, Ark.	Simmons	Swanson	Wheeler
Sackett	Smoot	Underwood	
Shipstead	Stanfield	Weller	

So Mr. CARAWAY's motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 454) to prevent the sale of cotton and grain in future markets, and it was read as follows:

Be it enacted, etc., That certain words used in this act and in proceedings pursuant hereto shall, unless the same be inconsistent with the context, be construed as follows:

The word "message" shall mean any communication by telegraph, telephone, wireless telegraph, cable, or other means of communication from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia or to any foreign country.

The word "grain" shall include wheat, corn, oats, and barley.

The word "person" shall mean any person, partnership, joint-stock company, society, association, or corporation, their managers and officers, and when used with reference to the commission of acts which are herein required or forbidden shall include persons who are participants in the required or forbidden acts, and the agents, officers, and members of the board of directors and trustees, or other similar controlling or directing bodies of partnerships, joint-stock companies, societies, associations, and corporations.

And words importing the plural number, wherever used, may be applied to or mean only a single person or thing, and words importing the singular number may be applied to or mean several persons or things.

Sec. 2. It shall be unlawful for any person to send or cause to be sent any message offering to make or enter into a contract for the purchase or sale for future delivery of cotton or grain without intending that such cotton or grain shall be actually delivered or received, or offering to make or enter into a contract whereby any party thereto, or any party for whom or in whose behalf such contract is made, requires the right or privileges to demand in the future the acceptance or delivery of cotton or grain without being thereby obligated to accept or to deliver such cotton or grain; and the transmission of any message relating to any such transaction is hereby declared to be an interference with commerce among the States and Territories and with foreign nations. Any person who shall be guilty of violating this section shall, upon conviction thereof, be fined in any sum not more than \$10,000 nor less than \$1,000, or shall be imprisoned for not more than six months nor less than one month, or both such fine and imprisonment, and the sending or causing to be sent of each such message shall constitute a separate offense.

Sec. 3. It shall be the duty of any person sending any message relating to a contract or to the making of a contract for future delivery of cotton or grain to furnish to the person transmitting such message an affidavit stating that he is the owner of such cotton or grain and that he has the intention to deliver such cotton or grain; or that such cotton or grain is at the time in actual course of growth on land owned, controlled, or cultivated by him, and that he has the intention to deliver such cotton or grain; or that he is at the time legally entitled to the future possession of such cotton or grain under and by authority of a contract for the sale and future delivery thereof previously made by the owner of such cotton or grain, giving the name of the party or names of parties to such contract and the time when and the place where such contract was made and the price therein stipulated, and that he has the intention to deliver such cotton or grain; or that he has the intention to acquire and deliver such cotton or grain; or that he has the intention to receive and pay for such cotton or grain: *Provided*, That any person electing to do so may file with the telegraph, telephone, wireless telegraph, or cable company an affidavit stating that the message or messages being sent, or to be sent, for the six months next ensuing by such person do not and will not relate to any such contract or offers to contract as are described in section 2 of this act, and any such company shall issue thereupon a certificate evidencing the fact that such affidavit has been duly filed, and such certificate shall be accepted in lieu of the affidavit herein required at all the transmitting offices of such company during the life of said affidavit. Any person who knowingly shall make a false statement in any affidavit provided for in this act shall be punished by a fine of not more than \$5,000 nor less than \$500, or shall be imprisoned for not more than two years nor less than one year, or by both such fine and imprisonment. And any prosecution under the provisions of sections 2 or 3 of this act the proof of failure to make any affidavit herein required shall be prima facie evidence that said message or messages related to a contract prohibited by section 2 of this act, and the proof of failure to deliver or receive the cotton or grain called for in any contract for future delivery of cotton or grain shall be prima facie evidence that there was no intention to deliver or receive such cotton or grain when said contract was made.

Sec. 4. Any agent of any telegraph, telephone, wireless telegraph, or cable company to whom messages herein described may be tendered is hereby required, empowered, and authorized to administer any oath required to be made under the provisions of this act with like

effect and force as officers having a seal, and such oaths shall be administered without any charge therefor.

Sec. 5. It shall be unlawful for any person owning or operating any telegraph or telephone line, wireless telegraph, cable, or other means of communication or any agent, officer, or employee of such person knowingly to use such property or knowingly to allow such property to be used for the transmission of any message relating to such contracts as are described in section 2 of this act. Any person who shall be guilty of violating this section shall, upon conviction thereof, be punished for each offense by a fine of not more than \$10,000 nor less than \$500, and the sending of each message in violation of the provisions of this section shall constitute a separate offense.

Sec. 6. Every book, newspaper, pamphlet, letter, writing or other publication containing matter tending to induce or promote the making of such contracts as are described in section 2 of this act is hereby declared to be nonmailable matter, and shall not be carried in the mail or delivered by any postmaster or letter carrier. Any person who shall knowingly deposit or knowingly cause to be deposited, for mailing or delivery any matter declared by this section to be nonmailable, or shall knowingly take or cause the same to be taken from the mails for the purpose of circulating or disposing thereof, or of aiding in the violation of any of the provisions of this section, may be proceeded against by information or indictment and tried and punished, either in the district at which the unlawful publication was mailed or to which it is carried by mail for delivery according to the direction thereof, or at which it is caused to be delivered by mail to the person to whom it is addressed. And the punishment for the violation of this section shall be the same as the punishment prescribed in section 2 of this act for the sending or receiving of messages.

Sec. 7. The Postmaster General, upon evidence satisfactory to himself that any person is sending through the mails of the United States any matter declared by section 6 of this act to be nonmailable, may instruct the postmasters in the post offices at which such mail arrives to return all such mail to the postmaster in the post office at which it was originally mailed, with the word "unlawful" plainly written or stamped upon the outside thereof, and all such mail, when returned to said postmaster, shall be returned to the sender or publisher thereof under such regulations as the Postmaster General may prescribe.

Sec. 8. In any proceeding under this act all persons may be required to testify and to produce books and papers, and the claim that such testimony or evidence may tend to criminate the persons giving such testimony or producing such evidence shall not excuse such person from testifying or producing such books and papers; but no person shall be prosecuted or subjected to any penalty or punishment whatever for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence of any character whatever.

Mr. CARAWAY obtained the floor.

Mr. WALSH of Montana. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Montana?

Mr. CARAWAY. I yield.

Mr. WALSH of Montana. May I inquire of the Senator from Arkansas if the word "requires" in line 21, on page 2, should not be "acquired"?

Mr. CARAWAY. Yes; "acquires" was the word I intended.

Mr. WALSH of Montana. If that should be "acquires," should not the word farther along in the line be "privilege"?

Mr. CARAWAY. Possibly so. I would have no objection to that amendment.

Mr. WALSH of Montana. I will ask the Senator to give his attention to the sentence, and determine whether it makes sense.

Mr. CARAWAY. Let us read the whole section. It is as follows:

It shall be unlawful for any person to send, or cause to be sent, any message offering to make or enter into a contract for the purchase or sale for future delivery of cotton or grain without intending that such cotton or grain shall be actually delivered or received.

Mr. WALSH of Montana. Thus far it is perfectly plain.

Mr. CARAWAY. It continues:

or offering to make or enter into a contract whereby any party thereto, or any party for whom or in whose behalf such contract is made, requires the right or privileges to demand in the future the acceptance or delivery of cotton or grain without being thereby obligated to accept or to deliver such cotton or grain;

I am free to say to the Senator that evidently I either wrote in the wrong word or somebody else got it wrong. It does not make good sense the way it reads.

Mr. MAYFIELD. There seems to be a word left out.

Mr. CARAWAY. I shall offer an amendment to cure that defect.

The PRESIDING OFFICER. The bill is in Committee of the Whole and open to amendment.

Mr. CARAWAY. Just one moment. If I may have the attention of those Senators who feel constrained to oppose the passage of the bill, I would like to say that I think that all anyone ought to want is the right to sell one of the products covered by the bill which he himself owns or expects to own. Under the provisions of this bill there is nothing to prevent a man who expects to grow grain or expects to grow cotton from selling for future delivery the product that he expects to produce.

There is no inhibition against the man who buys a contract from reselling it. The only thing we try to do is to prevent a man selling that which he does not own and which he never expects to own, to somebody who does not expect to take it and never did intend to take it.

Under the present system of selling cotton I know it is true that hundreds of thousands of bales are sold that are not in existence, that never will be in existence, and are not to be delivered, and as to which there was never any expectation of delivery.

It is quite apparent to anybody who thinks a moment that no man would sell a hundred million bales of cotton when he knew there would not be more than one-eighth of that amount in existence unless he knew one of two things—that he could manipulate the price upon which he was to settle at the date of settlement, or could transfer the contract to somebody else who did not understand the nature of the contract.

It is quite apparent that nobody would obligate himself to deliver that which was not in existence, and never would be in existence, unless he had some way to manipulate the price under which he was to settle on deliverance day. Since the man who deals in the future market has some money, we must conclude that he is not an idiot, and he must be either an idiot or he must have some way of manipulating the market. As I said, the fact that he has money would exclude the idea that he did not have any sense, because there is an old saying that "A fool and his money are soon parted."

All we ask is that the farmer shall be permitted to sell what he has or what he expects to grow, and the man who buys that may sell it, but no man may invade his field and sell that against him which does not exist and never is expected to exist.

Anyone knows that we can sell and sell and sell a product until we break the market. Senators have seen that done. Everybody who has ever watched the cotton market has seen that done. Pick up the paper any day and you will see that the market broke under an avalanche of selling, not that a single spot bale was sold, not that a man sold a bale who ever had a bale, or ever expected to have a bale, but he simply sold and sold and sold until the psychology of the selling broke the market.

Everybody here remembers when the Government estimates came out a year and a half ago. The futures market broke, and afterwards it responded, but the spot market never did respond, and the spot market never does respond as the futures market varies up and down. There is always a loss to the producer. He is carrying handicap enough, and all we ask is that the man who wants to sell his product shall own it. There is nothing unreasonable about it, there is nothing that is not honest about it, but there is something that is not honest in selling against a man who exists by the sweat of his brow.

Nobody, for instance, would for a moment countenance an avalanche of selling of bank stock in this city or anywhere else, selling it every day on the street corners until we could break the confidence of the people in the stock of that bank. It can not be done. Every State in the Union has what is called a blue sky law, providing that one can not sell anything unless he can show an ability to perform, except that he can go into the markets and sell and sell all day and all the year around the products of the farm, when everybody knows he can not perform and never expects to deliver and that the man who buys never expects to receive.

I do not know of a single producing farmer anywhere who is in favor of this kind of legislation. Its opposition comes from two sources, first, from those cities in which the stock markets are located and in which large numbers of people are engaged in selling that which they never produce and which comes from people who want to hedge, as they call it, on the market. They say the hedge is an insurance. It is not insurance. They want the farmer to carry the risk both ways, to let them beat down the market and then compel them to pay the hedge.

As the Senator from Kansas [Mr. CAPPER] will recall, the experts in the Department of Agriculture, talking about cotton before the Committee on Agriculture and Forestry at the last session of Congress, admitted that there could be a variation of \$7.25 in the manipulation of a bale of cotton—more profit than any farmer ever got out of it.

I want to offer an amendment to meet the suggestion of the Senator from Montana. While I am preparing it I yield the floor to the Senator from New York, who, I believe, wishes to discuss the measure.

Mr. WADSWORTH. Mr. President, the Senator from Arkansas I am sure will agree with the statement that this is an extraordinarily important measure from many standpoints. As I understand it, though I may not understand it completely, it is to bring about a revolution in the method of marketing grain and cotton.

I note a very interesting report submitted by the Senator from Louisiana [Mr. RANSDELL], who, I fear, is not here this evening. I note incidentally that the Committee on Agriculture and Forestry do not recommend the legislation affirmatively. It is reported "without recommendation."

It would be well for Senators to read the report of the Senator from Louisiana, which is an exhaustive discussion of market practices, the constitutional side of the question and the practical operation of the bill should it become a law.

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. WADSWORTH. Certainly.

Mr. BINGHAM. Is the report of the Senator from Louisiana to be had in the document room?

Mr. WADSWORTH. I have a copy of it in my hand. I got it by sending a page for it to the document room. It is 108 pages long.

Mr. BINGHAM. I suggest that the Senator give us the substance of it.

Mr. WADSWORTH. The Senator from Connecticut suggests that I give him and other Senators the substance of the report of the Senator from Louisiana. That would be a rather difficult thing to do.

Mr. CARAWAY. It would be a very difficult thing to do, if I may say so with all due courtesy to the Senator from Louisiana, because it is made up of a report largely prepared by a firm which is engaged in the selling of contracts on the future market, and it has an absolute contradiction in it. I called it to the attention of the Senator from Louisiana and he told me at one time that he expected to correct it, but evidently he never did it.

Mr. BINGHAM. Is the Senator from Louisiana [Mr. RANSDELL] here at this time and place?

Mr. CARAWAY. I do not know; I do not believe that he is in attendance this evening.

Mr. WADSWORTH. I know nothing about the origin of the report. I know, however, that the Senator from Louisiana stands for it.

Mr. CARAWAY. He stands for it with the suggestion that he and I discussed. He said he never intended to convey the impression which I thought it did convey, and afterwards decided that it did not convey the impression which I thought was conveyed in the report.

Mr. WADSWORTH. The Senator from Arkansas a moment ago said that no producer of grain opposes the bill—I heard him say that—and no producer of cotton as well; that the only people opposed to it are those who deal in future contracts on the grain market. I dislike to inject a personal note into the discussion, but here is one producer of grain who opposes the bill.

Mr. CARAWAY. No; the Senator produces grain by staying in town. The man who grew it might have an entirely different opinion about it.

Mr. WADSWORTH. I thank the Senator for his intimate knowledge of my own affairs.

Mr. CARAWAY. I have seen the Senator every day during the crop-producing season.

Mr. WADSWORTH. We will proceed with Senator RANSDELL's report. I think it would be well if Senators had copies of it before them as I discuss it. I read:

The following minority report is presented by Senator RANSDELL, of Louisiana, in behalf of those members of the committee who, after careful consideration, are convinced that the proposed legislation is unwise—

It seems that there are other members of the committee who agree with Senator RANSDELL that the legislation is unwise—and recommend that the bill lie on the table.

The purpose of this bill, broadly speaking, is to prevent contracts for the purchase or sale of cotton or grain for future delivery, unless the same shall be actually delivered or received, and imposes upon the purchaser of these contracts the obligation to accept delivery.

I had gathered from an observation made by the Senator from Arkansas a moment ago that the bill would not prevent the resale of a contract.

Mr. CARAWAY. It does not, and if the Senator will read the bill he will discover that it does not.

May I call the Senator's attention to another fact? The very fact that the report does not say the bill does not permit the resale of a contract when the bill itself does say so, of course, ought to carry very considerable weight when the Senator reads the report and the bill lies before him so he can read both of them.

As a condition precedent to such transactions, both the seller and buyer must make affidavit of their respective intentions actually to deliver and receive the commodity involved.

Just where the Federal Government is to get its constitutional jurisdiction over transactions of this kind I do not know. Certainly an overwhelming majority of them do not relate to interstate commerce.

Mr. COPELAND. Mr. President, will my colleague yield?

The PRESIDING OFFICER. Does the Senator from New York yield to his colleague?

Mr. WADSWORTH. I yield.

Mr. COPELAND. May I call the attention of my colleague to the fact that three successive Secretaries of Agriculture, including the present one, representing both political parties, have unqualifiedly placed the seal of their disapproval on this measure.

Mr. WADSWORTH. I had already gathered that from a hasty perusal of the report. I was coming to that at a later moment.

An interesting part of the report is this:

Any person sending or causing to be sent a message in which an offer is made to enter into a contract for the future delivery of cotton or grain in contravention of the provisions of the bill is penalized in sums ranging from \$500 to \$5,000 and terms of imprisonment ranging from one month to two years, which also apply to the owner or agent of the telephone, telegraph, wireless telegraph, cable, or other means of communication used in making such offer.

That would be a rather widespread indictment, followed by prosecution.

Mr. CARAWAY. Mr. President, will the Senator permit me to interrupt him?

Mr. WADSWORTH. Certainly.

Mr. CARAWAY. I think possibly when he read that provision, he would find out where the constitutional authority might lie for the Government, because we can prevent people from using the mails for any kind of contract, advertisement or use where the Congress may declare that the purpose is to defraud.

Mr. COPELAND. It seems to me it goes further than that.

Mr. WADSWORTH. It goes away beyond that—"any kind of communication."

Mr. COPELAND. Yes; and any book or newspaper or pamphlet, or any publication.

Mr. WADSWORTH. Free press is destroyed entirely by the bill.

Use of the mails is prohibited for carrying any written or printed matter relating to the class of contracts prohibited by the bill, and penalty is provided for any person who takes such matter from the mails for the purpose of circulating or disposing of it.

This measure is merely a revamping of many similar bills that have gone into the legislative hopper since they made their first appearance in the Forty-eighth Congress (1883-1885), nearly 50 years ago, only to receive the invariable stamp of congressional disapproval, for it has always been realized that, if enacted, they would result in the strangulation of trading on the cotton and grain exchanges of the United States, where those great staple crops are finally marketed.

When this bill, in substantially the same language, was considered in the Sixty-third Congress (1913-1915) it was known as the Candler bill, in honor of the Member from Mississippi who sponsored it at that time, though it is difficult to name the original author of the idea. It was among the numerous cotton bills considered by the agricultural committees of that Congress while the Smith-Lever law to regulate trading in cotton futures was being whipped into shape, and after mature deliberation it was rejected as being unconstitutional as well as ill advised and so stamped by the adverse report made on it.

With the exception of very immaterial changes in phraseology and in the punishment for violations thereof, these bills are as much alike as the proverbial two peas in a pod, and it is doubtful if their creators could tell them apart. Therefore the bill under consideration being in all essential features a verbatim copy of the Candler bill, the report that was made on that measure by Secretary Houston, of the Department of Agriculture, to Mr. Lever, the chairman of the House Committee on Agriculture, under date of April 13, 1914, is still pertinent. After analyzing its provisions section by section, the Secretary at that time proceeded to a discussion of the constitutionality of the bill, in the course of which he said:

"Under the bill as drawn, the prohibition in section 2 extends to the sending of messages by telegraph, telephone, wireless telegraph, cable, and other means of communication. It is not clear just what the phrase 'other means of communication' would include. Under the rule of ejusdem generis it would probably be construed as confined to any possible agencies of communication other than three specifically mentioned, which are based on, or which apply the scientific principles of, the telegraph and telephone. But if the phrase be held to include such means of communication as railroads and boats, which carry corporeal objects instead of intangible messages, there is, at least, a doubt as to the validity of the proposed legislation when applied to such other means of communication. This doubt arises primarily out of certain statements of the United States Supreme Court in *Paul v. Virginia* and cases following it.

"It is firmly established that contracts of insurance are not transactions of interstate commerce which are subject to regulation by Congress under the commerce clause of the Constitution. Likewise, contracts for the sale of an article for future delivery are not, in themselves, transaction of interstate commerce if they do not oblige the transportation of anything from one State, Territory, or District, to another State, Territory, or District of the United States. However, in *Paul v. Virginia*, the court, in the course of its opinion, goes further than to hold that the contracts involved were not in themselves transactions of interstate commerce, and says:

"These contracts are not articles of commerce in any proper meaning of the word. They are not subjects of trade and barter offered in the market as something having an existence and value independent of the parties to them. They are not commodities to be shipped or forwarded from one State to another and then put up for sale."

"Because of what has been held in the cases referred to, and particularly because of what was said in the extract just quoted, there is some doubt as to whether the Supreme Court would hold that, under the commerce clause, Congress is empowered to regulate the physical transportation of a written or printed contract or offer to make such contract, which is not itself the subject of interstate commerce."

Mr. REED of Pennsylvania. I make the point of order that the Senate is in great disorder.

The PRESIDING OFFICER. The point of order is well taken. The Senate will be in order. This request applies to the occupants of the galleries as well as to Members of the Senate.

Mr. WADSWORTH. Mr. President, I would not attempt to hold the attention of the Senate one moment if it were not that I am convinced that this measure is one of extraordinary importance. In my humble judgment, should it ever become law, its effect upon the grain producers of this country will be calamitous. As I look upon it, it will destroy the life of the market, it will forbid and prevent that element in trade which injects life and elasticity into the market, upon which the prompt exchange of a great staple such as cotton or corn must be dependent.

Mr. GOODING. Mr. President, does not the Senator from New York think that that same element sometimes injects death also into the market and drives it down, even as the bulls and bears are always playing the market?

Mr. WADSWORTH. The markets must go down sometime; they can not always go up.

Mr. GOODING. But they go down without rhyme or reason, sometimes merely because the bears want to put prices down.

Mr. WADSWORTH. The conception prevails, I know, among a good many minds, that the bulls can force the market up at will and the bears can force it down at will and neither of them lose any money. The bulls can not force the market up except at the expense of loss on the part of the bears, and the bears can not force it down except at the expense of loss on the part of the bulls.

Mr. GOODING. Yes, Mr. President; but—

Mr. WADSWORTH. Neither side has complete control, and it is—

Mr. GOODING. Mr. President—

Mr. WADSWORTH. Just a moment until I finish my sentence. Neither side can have control. There is a contest going on all the time in all commercial life, in and out of great markets, between purchaser and seller. The purchaser wants to buy the article just as cheaply as he can, and the seller wants to obtain the biggest price for it that he can.

Those elements will always be present; and one of the things which make it possible in a corn exchange for the product to be dealt in evenly, constantly, with an ever-present market, is the fact that the element of speculation is always existent, and speculation in such commodities can be conducted on a very narrow margin. You can not drive speculation out of business entirely; there is no law on earth that will do it. If the Senator from Idaho plants an acre of wheat this spring he

is a speculator. He has no idea how many bushels of wheat he is going to raise on that acre, or what the price will be six months hence.

Mr. GOODING. Mr. President—

Mr. WADSWORTH. There is speculation in all these things; and any law of Congress which attempts to say to a citizen that he shall not sell and buy, not only products but evidences of obligations respecting those products, is merely a law which strangles trade.

Mr. GEORGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield; and if so, to whom?

Mr. WADSWORTH. I yield to the Senator from Georgia.

Mr. GEORGE. The Senator may be quite right in his remarks relative to speculation, but the speculation on a cotton exchange is the same sort of speculation which characterizes a poker game.

Mr. WADSWORTH. That is only an assertion, and I should like to have it proved. If it is true, everyone on the cotton exchange would be rich and no one would lose money who operated there.

Mr. GEORGE. Oh, no; every man in a poker game is not rich; somebody is going to lose.

However, let me submit this to the Senator from New York: How is it possible in a legitimate business transaction which is not a pure gambling transaction that cotton at 10 o'clock in the morning may be worth \$5 a bale more than it is at 10.15 o'clock that same morning?

Mr. WADSWORTH. There is less demand for it at 10.15 o'clock than there was at 10 o'clock.

Mr. GEORGE. Yes; in that game.

Mr. WADSWORTH. On the cotton market.

Mr. GEORGE. But the value of cotton in the markets of the world can not have changed in 15 minutes; it is beyond any possibility that it could have done so. It changes in that game because the speculation in the game is precisely on all fours with speculation in a poker game.

Mr. GOODING. And there are only a few professionals in the game, who are called the bulls and bears.

Mr. GEORGE. Exactly.

Mr. GOODING. And the public generally suffers, not only those who deal in the grain and cotton or wheat exchange but the public itself.

I think it is a crime, Mr. President, that the vital necessities of life in this country should be made the subject of gambling. I am for any legislation that will cut it out. I quite agree, however, that we must do something to take care of the conditions before we can cut it out entirely. There might be something in that argument.

Mr. WADSWORTH. That is very interesting, Mr. President, but just what it means I do not know.

Mr. GOODING. Mr. President, you can not destroy all machinery without substituting something in its place.

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Idaho?

Mr. WADSWORTH. I yield to the Senator from Idaho.

Mr. GOODING. I do not care to occupy more of the Senator's time.

Mr. WADSWORTH. Mr. President, of course, when the price of a product goes down on an exchange a large number of people are heard to cry "fraud! manipulation! bulls and bears! terrible"! But when it goes up I have never heard the producer complain. The market may go up as the result of wicked speculation just as freely as it goes down as the result of wicked speculation.

Mr. GOODING. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield further to the Senator from Idaho?

Mr. WADSWORTH. I yield again.

Mr. GOODING. The Senator knows as well as I do that even the story of a frost up in Canada, when no frost exists, sends the market up, and that the story of a bumper crop, that may not exist, will send it down. Furthermore, fake telegrams constantly have their influence on the market, as we read in the wheat reports every day. Yet real, honest conditions have not been changed at all, but those controlling the exchange are merely playing a game to fool a lot of people; and they succeed mighty well in doing it. The Senator understands that just as well as I do.

Mr. WADSWORTH. No; I do not; I am sorry.

Mr. GOODING. The Senator never would change that old method. He loves it and he has been successful under the conditions that exist. Why should he change it?

Mr. WADSWORTH. Again, Mr. President, I regret the injection of the personal note. I may say to the Senator from

Idaho that I never bought a bushel of wheat or of any other grain or products on a grain exchange.

Mr. GOODING. I was speaking of conditions generally.

Mr. WADSWORTH. I thought the Senator was talking about me. I beg pardon. [Laughter.]

Mr. GOODING. So far as the Senator is concerned, I am speaking of him, for since I have been in the Senate I have not seen him favor a change in present methods at all. They were all right and he was willing to take them as they existed. A lot of people believe in that, Mr. President, and they have been very successful in this life, too.

Mr. HEFLIN. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Alabama?

Mr. HEFLIN. I thought the Senator had concluded. I was going to address the Senate on the same subject.

Mr. WADSWORTH. I will yield in a few moments, if the Senator wishes to speak on this subject.

Mr. President, as to the last observation of the Senator from Idaho [Mr. Gooding], in all seriousness, let me say that grain exchanges and stock exchanges and the great bourses of Europe are the products of years and generations, and, indeed, of centuries of experience. They are a natural growth, an evolution, growing and "evolving," if I may use such a word, from time to time to meet the changing and expanding demands of business, trade, and commerce.

There is a reason, and a sound reason, for the general practices which prevail in great markets, whether they be grain markets or cotton markets or securities markets or cattle markets. The human race has not just been stupidly foolish in evolving these practices, and the human race has not been stupidly dishonest in evolving them. These practices have been adopted as a result of age-long experience. Ever so often a group of people will rise and announce that a practice which is built upon generations of experience is all wrong and worse than wrong; it is dishonest; let us pick it to pieces and establish something completely new and different, and that is bound to be good because it is new, although there has been no experience upon which to base the contention for its adoption.

As I said a moment ago, I can not see anything intrinsically wrong in the practices denounced by this bill. There is no element of dishonor in them. The Senator from Idaho and the Senator from Arkansas seem to believe that as a result of them people are habitually fleeced through the dissemination of false information. Well, just how and when they are fleeced does not appear. People do lose money, Mr. President, upon occasions in business, and some people lay the blame on other persons who have been more successful. The thing that I dread in all these laws which seek to prohibit men doing things which are not intrinsically wrong is that they so cramp the style of human beings that the human beings will not submit to them; they evade such laws and become violators, intentionally or otherwise, and in the long run a huge injury is done to the overwhelming majority of honest people who are doing business in an honest way.

If there is one thing that is helpful to the agricultural interests of this country, it is the continued existence of a quick market, a market that is elastic in its nature, that responds to every influence of a legitimate character, to the law of supply and demand, to the conflicting judgments of men. So long as we have that kind of a grain market the farmer can sell his grain on a moment's notice; there is a demand for it at some price; but if we clamp restrictions upon those who deal in our markets and say they shall only deal in this way or that way, but never shall deal in that other way, the day will come when the dealing in that other way will be something really to be desired in the interest of the man who produces the product itself.

Mr. President, in this inadequate way, without having a chance to read Mr. RANSDELL's report of 105 pages, I merely wanted to say something to the effect that I regard this bill as one of most extraordinary importance.

I yield the floor.

Mr. HEFLIN. Mr. President, I am in favor of this bill. It makes cotton the paramount and dominating thing in the contract, and that ought to be the case. Under the present law the cotton exchanges of the United States can sell, and they do sell, more than 200,000,000 bales of cotton in a year, while the farmers make about 16,000,000 bales. The cotton exchanges sell fictitious cotton. They do not possess the cotton; they never deliver the cotton; and they settle the difference between buyer and seller with money. I want the law so framed that when dealing in cotton the farmer who makes cotton must be called on for cotton with which to fill the contract. That is not the case to-day. The exchanges can sell hundreds of

millions of bales, as they do, without having to possess the cotton at all and without delivering the cotton at all. What does that do to the farmer who owns cotton?

Let me illustrate by saying that here is a farmer who has 100 bales of cotton. He does not want to sell. He wants to hold that cotton until the price will justify him in selling. The price, perhaps, is below the cost of production, as it is to-day. Now, get this point, Senators: He wants to hold his cotton because the price does not justify him in selling it. He does hold his cotton. What happens with the speculator? He is not helping anybody but himself. He goes on the exchange and he sells 100 bales without consulting the man who is holding off the market his 100 bales. The sale of this fictitious stuff on the exchange beats down the price; and the next day, in the market where that farmer lives, the price is down \$5 a bale, not by the sale of actual cotton but by the sale of a fictitious stuff called "cotton." It is unfair; it is unjust; it is dishonest.

Why should these speculative interests in New Orleans and in New York and in Chicago feed upon the substance of those who make the stuff which clothes the world? It ought not to be. The bill of the Senator from Arkansas provides that those who deal in cotton must possess cotton, must be growers of cotton or men who are going to consume cotton. There is nothing in his bill to prevent a farmer from contracting in the springtime to deliver a hundred bales of cotton in the fall of the year. There is nothing to prevent the spinner from going to the farmer. The spinner consumes cotton. The farmer makes cotton. That is where the spinner ought to go. He ought to go to the farmer. The farmer should sell to the merchant and the buyer in his locality and to the spinner. These are people who really deal in actual cotton.

What objection can be had to that program, Senators? What do some spinners do now? They do not want to pay the price. They go upon the exchange. They sell, in unlimited quantity, a stuff that is not in existence. It is merely called cotton; and by throwing it on the market in unlimited quantity they keep down the price of actual cotton, and the farmer who is holding a crop that is really made, actual cotton, is hurt while he is holding it and keeping it out of the hands of the consumer. It is unfair, I repeat; it is not right to permit this speculative interest to feed upon the farmer in such a fashion.

What can they do, Mr. President? You take a hundred bales of cotton at \$75 a bale. The farmer has \$7,500 invested in it. He says: "I do not want to sell it until the price will justify me in selling it." The speculator-spinner says: "I will sell it for you." The farmer says: "You can not do it. I am going to hold the cotton." The speculator says: "I do not have to have cotton. I will sell what I call cotton in a contract. I am going to go in on the exchange and sell 100 bales." "Do you mean to tell me you are going to put up \$7,500 against what I have invested in this cotton—\$7,500?" "Oh, no; I am going to put up \$10 a bale. That is all I have to put up; and I am going to use it to beat down the price of the actual cotton that you have"; and that is what happens on the exchange.

Mr. President, why should we permit these people in the United States to sell 50,000,000 bales of cotton on the exchanges, when we make only 15,000,000 or 16,000,000 bales? The bill of the Senator from Arkansas would confine the sale of cotton to the crop of cotton, and that is fair. There ought to be a bale of actual cotton behind every contract that is put upon the market. Nobody can gainsay that proposition.

What happens in the business of real-estate dealing? A man comes and sells me a lot. He makes me a deed to it. I sell the lot and make a deed to it, and the one to whom I sell it sells it again, and makes a deed to it. It is sold a hundred times in a month, and yet back of each sale is a bona fide piece of real estate—a lot, not a fictitious lot. You can not sell a hundred lots when you have only one lot. You would be put in jail for doing that; but that is what is done in the cotton business, Senators. It is unfair to the people of the Cotton Belt, who grow the American cotton crop, to permit such a thing.

In the transaction of this sale of real estate you can go to the records of the county and you can find who first sold that lot, to whom the lot was next sold, and trace it down to the last purchaser. You can trace the title back, and back of it all is real estate—a piece of land. There is not any cotton back of these contracts that are sold. They are fictitious things. They are merely chalk marks on the blackboard in the exchange room.

They are mere lines written on paper between a bull and a bear, the buyer and the seller. They do not represent real products; and yet you permit those who speculate in cotton to take \$1,000 and beat down the price of that which the farmer has in his hand worth \$7,500.

While you are talking about farm relief, let us have a measure like this, which will grant farm relief. Let all those who want cotton go to the cotton producer. What do they do now? They go to the cotton exchange, where they can sell millions of stuff called cotton by just putting up money. If you did away with these exchanges as they are run to-day, you would drive all those engaged in the cotton business to the cotton farmer, and the cotton farmer for once would have some price-fixing power; and he ought to have power to say something about the price which that which he produces shall bring in the market place.

What happens to the farmer? He goes into a store and he prices a hat. The merchant tells him exactly what he has to pay for it. He prices a suit of clothes made out of cotton—perhaps he produced the cotton—and they tell him what he must pay for that, and he pays it. Then he comes up in the market with a bale of cotton that he produced, and he says, "What is the price of cotton?" He asks somebody else. The other man turns and says, "We have not had a message from the New York Exchange yet; it is early in the morning," or "the New Orleans Exchange," or "the Chicago Exchange." We have to wait to see what the market did yesterday." What market? The market where they sell only paper contracts, chalk marks, fictitious stuff called cotton.

A telegram comes in with the market quotations. It says cotton is off half a cent a pound, \$2.50 a bale. They turn to the farmer and say, "Cotton is off. We will pay you so much." He says, "It has fallen since yesterday?" "Yes; \$2.50 a bale."

Who fixed that price? The gamblers in cotton in New Orleans, in New York, and in Chicago. Did they fix that price by selling actual cotton? Oh, no; they did not have any. What did they sell? They sold something they called cotton. How much do they sell in a year? Two hundred and fifty million bales, and the farmer is making 15 or 16 million bales in all!

It is outrageous. It can not be defended by anybody; and, Mr. President, I want to see some legislation enacted that will give the farmer a chance to stand up in the market place with his produce and not be the beggar that he is to-day, fast becoming an agricultural slave. I want to see him stand up and get a fair price for his produce, and become a prince in the kingdom of agriculture in America.

Mr. RANDELL. Mr. President, I am sorry that I have not time to discuss this very important measure. In 20 minutes it is impossible to do so; and I believe that is all the time I have.

The purpose of this bill is to destroy completely, to put out of business, the exchanges in this country which deal in cotton and grain. That would be its effect.

Mr. President, I can not tell you exactly when trading on exchanges began in this country, but certainly it was many years ago. Certainly as far back as 1883 transactions on the New Orleans Cotton Exchange began. They were in existence prior to that on the New York Exchange.

If this bill is passed, Mr. President, the orderly, well-established business in the very important commodities of grain and cotton would be completely destroyed with the signing of this bill, the touching of a pen to it; and nothing, sir, would be established in its place.

It is a serious thing to discommodore and wipe out the existing order of things. Of course, sirs, it is justifiable if the existing order be bad. No man should stand for what is bad under any circumstances.

It is not many years, Mr. President and Senators, since the Congress of the United States had a very thorough investigation and discussion of transactions in futures on the exchanges of the land. The resultant was what is known as the Smith-Lever cotton futures bill. It was a piece of legislation which was discussed very fully in both Houses of Congress for at least two years before it was enacted; and it was thought that that bill overcame a number of complaints, a number of things that were wrong or supposed to be wrong in transactions on the New York and New Orleans Cotton Exchanges. In my judgment, that great piece of legislation did correct such evils and inequalities as had grown up on those two exchanges.

Mr. President, what is the purpose of the exchange in cotton and in wheat? What function does it perform? Let me tell you that in one way it performs the extremely valuable function of insurance.

The insurance business throughout the world has for centuries been assuming very large proportions. It is said that the Lloyd's Insurance Association, in England, will insure any transaction in the world that people desire to have insured.

They will even, for a reasonable consideration, guarantee a man that his wife will not have twins. They will guarantee that it shall not rain when there is to be a game of baseball or football or any other great sport that calls for big preparation and the expenditure of considerable sums of money. The functions of insurance are very widespread.

One of the most important functions of the exchange in cotton and grain is to guarantee or insure transactions for the future. Let me illustrate: Suppose a mill in New England is seeking to sell a large quantity of certain brands of cotton goods to customers in India, China, South Africa, or some other country, a large quantity of goods to be manufactured in the future and delivered in the future 6 months, 8 months, 12 months in advance.

Do you not see how difficult it would be for that mill to buy the actual cotton and store it in its warehouses, to be manufactured by it at some future date six to eight months in advance? It would be extremely difficult. That mill could not say to its customers what price it would charge for goods to be manufactured in the future, unless it knew what cotton was going to cost it at the time of manufacture. So, in order to have the transaction, the mill goes to the exchange, it notes on the exchange the quotations in New York, Chicago, and New Orleans, that cotton for delivery six months or eight months in advance is costing, let us say, 15 cents a pound for middling. Middling cotton is the kind desired. It makes its contract, then, to deliver the manufactured goods on the basis that it will have to pay 15 cents for middling cotton, to be manufactured.

It goes on the exchange and enters into a contract on the exchange for the future delivery of enough bales of cotton to enable it to carry out its contract. It does not buy that cotton and store it in warehouses at enormous expense, but it enters into contracts to have what it desires delivered to it at the proper time, a future contract for a small money consideration. When the time comes, it goes into the spot market and buys the actual number of bales needed to carry out its contract for the manufacture of this cotton.

Suppose in the meantime cotton has gone up to 17 cents, 18 cents, or 20 cents per pound. That does not matter to the mill, because it has bought the cotton to be delivered to it at 15 cents per pound, and the guaranty of the future contract holds good, and it can get its cotton at the agreed price. That is the most important function of the exchange.

I am sorry I did not hear my friend the Senator from Arkansas when he spoke on the bill. The Senator from Alabama said that the effect of the exchange was to lower the price of cotton, that there were a lot of gamblers there pulling down the price of cotton. Senators, did you ever think that there can be no buyers unless there are sellers? How can one set of gamblers pull the price of cotton down unless there be another set of gamblers, if you choose to call them by that offensive term, to buy when one set offers to sell? It is a double transaction.

There are just as many buyers as there are sellers; no more, no less. You can not sell unless somebody will buy, and I have always contended, as an humble cotton grower myself, that the more demands there are for my products, the better price I will secure for the products. The more transactions there are in cotton as the result of these exchanges, the greater demand there will be for my product.

If there are no buyers in the real estate market, let us say, if there are no deals going on, no transactions, everything is dull, of course there is not much rise and not much fall, perhaps, in real estate. But if there be a number of transactions, then the real estate business will become pretty lively, and there are many transactions, I would say, in every kind of business.

Mr. President, this method of doing business is carried on throughout the world. There is not a single great business center anywhere on earth, so far as my information goes, where transactions of exactly this character are not carried on.

Suppose the enormous grain center of Chicago were forced to do away with its grain-exchange contracts. Would that stop dealing in grain? Not at all, for there is a very large grain exchange at Winnipeg, in Canada, there are great exchanges in England, in France, in Germany, both in grain and in cotton. You would not stop this method of doing business by stopping it on the Chicago market. It has been in existence for a long time throughout all of these countries, and if we attempt to stop it, we can not prevent it from going on in the other countries. That is one important phase of this business.

I have been in the cotton business all my life. I have had transactions with the New Orleans market and the New Orleans exchange all my life, and it is my sincere conviction

that, so far from the exchanges being the enemies of the producer, the producers are beneficiaries of the exchanges.

There was quite a debate in the Senate two or three years ago when Senator Comer was pressing his bill so strongly. Senator Comer at that time was a large manufacturer of cotton. He naturally desired to buy cotton just as cheaply as he could and with as little competition as possible.

If we do away with the exchange, with all these people who seek to speculate in cotton, how many buyers would there be for the products of the farm? The cotton farmer has nothing to sell but cotton. If we do away with the speculative element on the exchanges, then the buyers will be limited to the few hundred mills which use the cotton.

It would be entirely possible for those mills to form a kind of combination or understanding among themselves and say, "Well, there is a good big crop of cotton this year. We are satisfied the price will go down. We will not buy except from hand to mouth. We will force the farmers to sell. They are obliged to have money. There will be no buyers except ourselves, and we will get the cotton at a very low price."

Mr. HEFLIN. Mr. President, will the Senator yield right there?

Mr. RANSDELL. I yield.

Mr. HEFLIN. Suppose, while that is taking place, the spinners are saying, "We will not buy now. We will wait." Suppose the farmers then organize and say, "We will not sell unless cotton advances \$5 a bale."

Mr. RANSDELL. It would be a very good thing, I will say to the Senator, if the farmers could organize. Unfortunately, we have hundreds of thousands of cotton farmers in the United States and only a few hundred spinners. It is entirely possible to have a few hundred men of the high degree of intelligence that these spinners have to organize. It is not practical, I will say to the Senator from Alabama, for the hundreds of thousands of farmers to organize, many of them not having the same degree of intelligence and many of them having as much or more. It is impossible for them to organize.

Mr. CARAWAY. Mr. President, will the Senator yield?

Mr. RANSDELL. I yield.

Mr. CARAWAY. I thought the Senator was saying that under a bill we recently voted for, the farm relief bill, they could organize. If they can organize, it would be a good thing, then, to get rid of the future market, would it not?

Mr. RANSDELL. No; it would not, under any circumstances, in my judgment, because it would take out of the market a great many men who now buy. It would reduce the number of buyers, and I, as a cotton seller, want all the buyers I can get.

Mr. CARAWAY. The Senator knows he never sold a bale of cotton to a gambler on the cotton market in his life, and never will, and nobody else does. They never buy it.

Mr. RANSDELL. The men who go into the market and deal in these contracts help to make the market active. They make business, and business makes activity, and business activity makes for success. I wish that I could believe all the farmers would organize under the farm relief measure. I voted for that measure, and I believe it will bring some degree of organization and some relief.

Mr. President, I have an elaborate report on this bill which was made on the 20th of April last.

Mr. HEFLIN. Mr. President, the Senator does not think he can read that in a minute, does he?

Mr. RANSDELL. I would not follow the wonderful example of the Senator from Alabama and consume four or five hours of the time of the Senate. In a very polite and dignified way I was about to call to the attention of my friends in the Senate, who desire some real information on this difficult subject, to the learned views of the different remarkably able men who are quoted herein, not my views; I do not claim any learning along this line, but I do say that some very able men have testified on this subject, and they are quoted in this report.

ADJOURNMENT

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and the Senate (at 11 o'clock p. m.) adjourned until to-morrow, Thursday, February 24, 1927, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 23 (legislative day of February 22), 1927

COMMISSIONER OF IMMIGRATION

John D. Nagle, of California, to be commissioner of immigration at the port of San Francisco, Calif.

REAPPOINTMENT IN THE REGULAR ARMY
ORDNANCE DEPARTMENT

To be assistant to the Chief of Ordnance with the rank of brigadier general

Brig. Gen. Colden L'Hommedieu Ruggles, assistant to the Chief of Ordnance, for the period of four years beginning March 28, 1927, with rank from March 28, 1923.

POSTMASTERS

CALIFORNIA

Elizabeth B. Tyler to be postmaster at Randsburg, Calif., in place of E. B. Tyler. Incumbent's commission expired January 11, 1927.

Meta C. Stofen to be postmaster at Sonoma, Calif., in place of M. C. Stofen. Incumbent's commission expires March 3, 1927.

Antionette E. Williams to be postmaster at Merced Falls, Calif., in place of J. H. McGregor, removed.

COLORADO

James F. Cohig to be postmaster at West Portal, Colo., in place of V. A. Kauffman, resigned.

FLORIDA

William H. Denmark to be postmaster at Carbur, Fla., in place of W. A. Parker. Incumbent's commission expired December 30, 1926.

Millard C. Sullivan to be postmaster at Pinecastle, Fla. Office became presidential July 1, 1926.

ILLINOIS

Blanche V. Anderson to be postmaster at Leland, Ill., in place of B. V. Anderson. Incumbent's commission expired February 19, 1927.

Russell Young to be postmaster at Rossville, Ill., in place of Russell Young. Incumbent's commission expired January 13, 1927.

William E. Thompson to be postmaster at Ferris, Ill., in place of H. G. Sherman, removed.

IOWA

Frank P. Rotton to be postmaster at Essex, Iowa, in place of F. P. Rotton. Incumbent's commission expired December 12, 1926.

Fred A. Hall to be postmaster at Van Wert, Iowa, in place of F. A. Hall. Incumbent's commission expires March 3, 1927.

William J. Campbell to be postmaster at Jesup, Iowa, in place of Margaret Woolf, resigned.

Merle B. Camerer to be postmaster at Oto, Iowa, in place of M. F. Sawin, resigned.

MAINE

Ralph T. Horton to be postmaster at Calais, Me., in place of R. T. Horton. Incumbent's commission expired January 30, 1927.

MARYLAND

Earle H. Ault to be postmaster at Accident, Md., in place of E. H. Ault. Incumbent's commission expired January 4, 1927.

James W. Friend to be postmaster at Friendsville, Md., in place of J. W. Friend. Incumbent's commission expired January 4, 1927.

MASSACHUSETTS

Albert Holway to be postmaster at Bournedale, Mass., in place of Albert Holway. Incumbent's commission expired August 30, 1926.

Edgar O. Dewey to be postmaster at Reading, Mass., in place of E. O. Dewey. Incumbent's commission expired January 24, 1927.

MICHIGAN

James W. Cobb to be postmaster at Birmingham, Mich., in place of J. W. Cobb. Incumbent's commission expired January 30, 1927.

Fred R. Griffin to be postmaster at Manistique, Mich., in place of F. R. Griffin. Incumbent's commission expires March 3, 1927.

MINNESOTA

William B. Stewart to be postmaster at Bemidji, Minn., in place of W. B. Stewart. Incumbent's commission expires February 24, 1927.

Carl G. Hurtig to be postmaster at Buffalo Lake, Minn., in place of C. G. Hurtig. Incumbent's commission expired December 27, 1926.

Charles C. Keller to be postmaster at Cloquet, Minn., in place of C. C. Keller. Incumbent's commission expired May 3, 1926.

Harry S. Gillespie to be postmaster at Virginia, Minn., in place of H. S. Gillespie. Incumbent's commission expired November 17, 1925.

Dwight M. Backman to be postmaster at Whalan, Minn. Office became presidential July 1, 1926.

MISSISSIPPI

Thomas F. Kirkpatrick to be postmaster at Hollandale, Miss., in place of T. F. Kirkpatrick. Incumbent's commission expired September 20, 1926.

John L. Kirby to be postmaster at Water Valley, Miss., in place of J. L. Kirby. Incumbent's commission expired February 14, 1927.

Howard H. Smith to be postmaster at Duncan, Miss., in place of Minnie Davis, resigned.

MISSOURI

David W. Puthuff to be postmaster at Bolivar, Mo., in place of D. W. Puthuff. Incumbent's commission expired February 23, 1927.

Catherine A. McSwiney to be postmaster at Normandy, Mo., in place of C. A. McSwiney. Incumbent's commission expired December 20, 1926.

MONTANA

Melvin W. Markuson to be postmaster at Dooley, Mont. Office became presidential July 1, 1926.

NEBRASKA

Edward T. Best, jr., to be postmaster at Neligh, Nebr., in place of E. T. Best, jr. Incumbent's commission expired February 9, 1927.

Myrtle L. Anderson to be postmaster at Republican City, Nebr., in place of M. L. Anderson. Incumbent's commission expires March 2, 1927.

Percy A. Brundage to be postmaster at Tecumseh, Nebr., in place of P. A. Brundage. Incumbent's commission expires February 24, 1927.

Dayle G. Stallman to be postmaster at Petersburg, Nebr., in place of E. R. Beers, resigned.

NEW MEXICO

Ona Tudor to be postmaster at East Vaughn, N. Mex., in place of Ona Tudor. Incumbent's commission expired March 2, 1926.

John N. Noryiel to be postmaster at Hatch, N. Mex. Office became presidential July 1, 1926.

NEW YORK

Lewis E. Fredenburg to be postmaster at Afton, N. Y., in place of L. E. Fredenburg. Incumbent's commission expired January 11, 1927.

William S. White to be postmaster at Oriskany, N. Y., in place of W. S. White. Incumbent's commission expired February 10, 1927.

William E. Mills to be postmaster at Rose Hill, N. Y., in place of W. E. Mills. Incumbent's commission expires March 1, 1927.

Francis D. Lynch to be postmaster at Stony Point, N. Y., in place of F. D. Lynch. Incumbent's commission expired February 19, 1927.

NORTH CAROLINA

Benjamin E. Atkins to be postmaster at Apex, N. C., in place of B. E. Atkins. Incumbent's commission expires March 2, 1927.

Giles B. Goodson to be postmaster at Lincolnton, N. C., in place of C. G. Mullen. Incumbent's commission expired January 10, 1927.

NORTH DAKOTA

Aloysius A. Allers to be postmaster at Garrison, N. Dak., in place of A. S. Loudenberg. Incumbent's commission expired January 29, 1927.

OHIO

Anthony L. Stanchina, jr., to be postmaster at Laferty, Ohio, in place of James Azallion. Incumbent's commission expired December 30, 1926.

George R. Irwin to be postmaster at Upper Sandusky, Ohio, in place of G. R. Irwin. Incumbent's commission expires March 2, 1927.

Cora A. Emery to be postmaster at Gates Mills, Ohio, in place of R. L. Russell, resigned.

Otha C. Burris to be postmaster at London, Ohio, in place of J. B. Emery, deceased.

OKLAHOMA

Clyde O. Thomas to be postmaster at Arapaho, Okla., in place of E. M. Cowles. Incumbent's commission expired January 18, 1926.

Maud Cassetty to be postmaster at Calvin, Okla., in place of H. L. Wallace. Incumbent's commission expired July 18, 1926.

Clarence C. Werrell to be postmaster at Depew, Okla., in place of C. C. Werrell. Incumbent's commission expired December 22, 1926.

James H. Sparks to be postmaster at Healdton, Okla., in place of J. H. Sparks. Incumbent's commission expired December 12, 1926.

John P. Rookstool to be postmaster at Hominy, Okla., in place of G. H. Blackwood. Incumbent's commission expires February 24, 1927.

Lillian E. Whitman to be postmaster at Catoosa, Okla., in place of W. W. Whitman, deceased.

Ralph E. Bain to be postmaster at Hitchcock, Okla., in place of L. N. Hawkins, resigned.

PENNSYLVANIA

Ira B. Jones to be postmaster at Minersville, Pa., in place of I. B. Jones. Incumbent's commission expired January 22, 1927.

Eli F. Poet to be postmaster at Red Lion, Pa., in place of E. F. Poet. Incumbent's commission expired January 22, 1927.

Robert H. Harris to be postmaster at Tamaqua, Pa., in place of R. H. Harris. Incumbent's commission expires March 1, 1927.

Chestina M. Smith to be postmaster at Centralia, Pa., in place of L. A. Heffner, deceased.

Shem S. Aurand to be postmaster at Milroy, Pa., in place of W. E. Brown, resigned.

J. Ray Frankhouser to be postmaster at Newton Hamilton, Pa. Office became presidential July 1, 1926.

SOUTH DAKOTA

Bessie A. Drips to be postmaster at Gannvalley, S. Dak., in place of B. A. Drips. Incumbent's commission expired October 8, 1925.

TENNESSEE

Lulu M. Divine to be postmaster at Johnson City, Tenn., in place of L. M. Divine. Incumbent's commission expires March 1, 1927.

Thomas E. Byran to be postmaster at Lebanon, Tenn., in place of B. W. Burford, resigned.

TEXAS

Oliver S. York to be postmaster at Galveston, Tex., in place of O. S. York. Incumbent's commission expired January 9, 1927.

Herman L. Stulken to be postmaster at Hallettsville, Tex., in place of G. A. Young. Incumbent's commission expired April 28, 1926.

UTAH

William T. Boyle to be postmaster at Beaver, Utah., in place of W. T. Boyle. Incumbent's commission expires March 3, 1927.

VERMONT

Earle H. Fisher to be postmaster at Danville, Vt., in place of A. E. Currier. Incumbent's commission expired February 10, 1926.

WASHINGTON

Andrew J. Cosser to be postmaster at Port Angeles, Wash., in place of A. J. Cosser. Incumbent's commission expires March 3, 1927.

WYOMING

George J. Snyder to be postmaster at Glendo, Wyo., in place of G. J. Snyder. Incumbent's commission expired September 8, 1926.

Edward Bottomley to be postmaster at Kleenburn, Wyo., in place of Edward Bottomley. Incumbent's commission expires February 24, 1927.

James E. Hamilton to be postmaster at Meeteetse, Wyo. Office became presidential July 1, 1926.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 23 (legislative day of February 22), 1927

COMMISSIONER OF IMMIGRATION

John D. Nagle to be commissioner of immigration for the port of San Francisco, Calif.

UNITED STATES ATTORNEYS

Alexander C. Birch to be United States attorney, southern district of Alabama.

A. V. McLane to be United States attorney, middle district of Tennessee.

UNITED STATES MARSHAL

Stanley Borthwick to be United States marshal, southern district of Ohio.

REGISTER OF THE LAND OFFICE

Charles Gilbert Boise to be register of land office, Bismarck, N. Dak.

GENERAL OFFICERS IN THE ARMY—BY APPOINTMENT

To be brigadier general, reserve

Mortimer Drake Bryant.
Harold Montfort Bush.
George Rathbone Dyer.
Charles Irving Martin.
Edward Caswell Shannon.
Burke Haddan Sinclair.
Samuel Gardner Waller.

POSTMASTERS

ILLINOIS

Percy Gaston, Centralia.
Bahne E. Cornilsen, Chicago Heights.
Walter C. Yunker, Forest Park.

KENTUCKY

Charles A. Bickford, Hellier.

PENNSYLVANIA

George R. Steiger, Albion.
William D. First, Conneaut Lake.
Joseph A. Hanley, Erie.
Edwin W. Dye, Lawrenceville.

SOUTH DAKOTA

Claud I. Force, Clear Lake.
Leo D. Houk, Colome.
Ernest F. Roth, Columbia.
Israel R. Krause, Java.
Charles E. Smith, Lemmon.
Arnold Poulsen, Lennox.
Garfield G. Tunell, Mobridge.
James E. McLaughlin, Onida.
Albert P. Monell, Stickney.
Joseph Matt, Vivian.
Olof Nelson, Yankton.

TEXAS

James J. Dickerson, Paris.

HOUSE OF REPRESENTATIVES

WEDNESDAY, February 23, 1927

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Lord God of Hosts, let Thy infinite love cast out all fear. We would have our prayer be the voice of gratitude, the voice of holy ambition to advance to higher degrees of knowledge and wisdom until the perfect day. Oh, let us serve Thee with the spirit of good cheer and our country with deep appreciation. Endow us with a wise, comprehensive outlook on the things of life. With hearty delight may we seek to do Thy will. May we be worthy to love, fortified to suffer, and courageous to persevere. Waken in all of us a sentiment of praise and manifest Thy self in that which we do to-day. In the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15641) entitled "An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1928, and for other purposes," and that the Senate insists upon its amendments numbered 25 and 27 to the said bill.

The message also announced that the Senate agrees to the amendments of the House on Senate bills of the following titles:

S. 5596. An act granting the consent of Congress to Dauphin Island Railway & Harbor Co., its successors and assigns, to construct, maintain, and operate a railroad bridge and approaches thereto and/or a toll bridge across the water between the mainland at or near Cedar Point and Dauphin Island;

S. 2849. An act to provide for an additional Federal district for North Carolina;

S. 4411. An act granting the consent of Congress to compacts or agreements between the States of South Dakota and Wyoming with respect to the division and apportionment of the waters of the Belle Fourche and Cheyenne Rivers and other streams in which such States are jointly interested; and